



The Scottish Parliament  
Pàrlamaid na h-Alba

## Criminal Justice Committee

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Dear Cabinet Secretary,

I am pleased to attach a copy of the pre-budget scrutiny report from the Criminal Justice Committee. This sets out a summary of the evidence received and our conclusions and recommendations. I look forward to your detailed written response in due course.

Best wishes,

Audrey Nicoll MSP  
Convener, Criminal Justice Committee

## **Pre-budget scrutiny by the Criminal Justice Committee of the Scottish Government's budget for 2024/25**

### **Introduction**

1. Each year, subject committees in the Scottish Parliament carry out pre-budget scrutiny in advance of the publication of the Scottish Government's budget for the forthcoming financial year (in this case 2024/25).
2. The aim is for the committees to collect evidence on spending priorities and make recommendations to the relevant Cabinet Secretary before the Scottish Government finalises its budget.
3. Last year, the focus of the Criminal Justice Committee was on the potential impact of the spending announcements made as part of the [resource spending review](#) (RSR) published in May 2022. This would have seen flat cash settlements (i.e., below inflation awards) across the sector. The Committee's report and the Scottish Government's response are both [published online](#).
4. This year, the focus for the Committee is again a general one on the financial pressures facing organisations in the criminal justice sector and views on the main priorities for 2024/25. Of particular interest to the Committee is the pressure on capital budgets and investment in policing, the fire and rescue services, prisons, prosecution service and the courts, community justice, criminal justice social work and the third sector.
5. Over recent months, the Committee has taken evidence from the following as part of its pre-budget scrutiny of the Scottish Government's 2024/25 budget:
  - Police Scotland ([13 September](#))
  - Scottish Police Authority ([13 September](#))
  - Scottish Fire and Rescue Service ([13 September](#))
  - Crown Office and Procurator Fiscal Service ([13 September](#))
  - Scottish Courts and Tribunals Service ([13 September](#))
  - Community Justice Scotland ([1 November](#))
  - Scottish Prisons Service ([8 November](#))
  - Cabinet Secretary for Justice and Home Affairs, the Scottish Government ([8 November](#))
6. In addition, written evidence has been received from various organisations and individuals, which has been published [online](#).
7. This report sets out a summary of the evidence received and the Committee's conclusions and recommendations.

### **The budget for the criminal justice system**

8. The [Scottish Budget for 2023/24](#) was published by the Scottish Government in December 2022. It set out the Scottish Government's proposed spending and tax

plans for 2023/24, as well as reproducing figures for previous years. Its figures are used for the tables set out below.

9. Figures on funding for the following areas are set out in Table 1:

- Justice portfolio
- Crown Office & Procurator Fiscal Service (COPFS) portfolio
- Criminal Justice Social Work (CJSW) grant to local authorities.

10. The table below shows funding figures for both 2023/24 (current year) and 2022/23 in cash terms. Totals are broken down into resource, capital, and non-cash.

**Table 1: Scottish Budget 2023/24 – Justice, COPFS and CJSW**

Portfolio	Year	Total £m	Resource £m	Capital £m	Non-cash £m
Justice	2023-24	3,365.7	3,006.3	203.4	156.0
	2022-23	3,146.1	2,841.0	166.0	139.0
COPFS	2023-24	196.6	181.8	8.3	6.5
	2022-23	179.7	168.6	5.3	5.8
CJSW	2023-24	86.5	86.5	-	-
	2022-23	86.5	86.5	-	-

11. Table 2 below provides more detail on justice funding, setting out:

- figures for individual budget lines (level 2 data)
- information in both cash and real terms (using 2023/24 prices).

**Table 2: Scottish Budget 2023/24 – Justice**

	2022-23 £m	2023-24 £m	2022-23 £m	2023-24 £m
	cash terms		real terms	
Community Justice	48.4	49.6	49.6	49.6
Judiciary	38.8	40.8	39.8	40.8
Criminal Injuries Compensation	15.6	15.6	16.0	15.6
Legal Aid	151.9	156.1	155.7	156.1
Police Central Government	78.3	73.8	80.3	73.8
Safer & Stronger Communities	14.4	15.2	14.8	15.2
Police & Fire Pensions	350.6	400.6	359.5	400.6
Scottish Prison Service	476.4	540.8	488.4	540.8
Miscellaneous	116.7	112.5	119.6	112.5
Scottish Police Authority	1,368.3	1,449.3	1,402.8	1,449.3

Scottish Fire & Rescue Service	352.7	363.7	361.6	363.7
Scottish Courts & Tribunals Service	134.0	147.6	137.4	147.6
<b>Total</b>	<b>3,146.1</b>	<b>3,365.7</b>	<b>3,225.5</b>	<b>3,365.7</b>

12. Table 3 provides figures for the COPFS portfolio, and the CJSW grant to local authorities, in both cash and real terms (2023/24 prices).

**Table 3: Scottish Budget 2023-24 – COPFS and CJSW**

	2022-23	2023-24	2022-23	2023-24
	£m	£m	£m	£m
	cash terms		real terms	
COPFS	179.7	196.6	184.2	196.6
CJSW	86.5	86.5	88.7	86.5

13. As things stand, the figures set out in the Scottish Budget 2023/24 accurately represent the funding available within the various portfolios for the current financial year. They were not changed as the result of parliamentary scrutiny of the proposals. Nor have they, thus far, been altered by any in-year revisions.

14. However, funding for 2022/23 was altered by in-year revisions which are not reflected in the above figures. The Scottish Government document, [Finance Update for the Finance and Public Administration Committee](#) (March 2023) reported that budget revisions had increased 2022/23 budgets to:

- Justice portfolio £3,328.2m
- COPFS portfolio £194.5m

15. It noted that much of the increase within the Justice portfolio related to the Police & Fire Pensions budget line, which it described as “a volatile demand led budget with additional budget pressure beyond the core allocation managed in year”.

## Views expressed to the Committee

### *Policing*

#### Links to relevant written evidence

[Paper 2, 13 September](#) (contains submissions from Police Scotland and the Scottish Police Authority)

[HMICS](#)

[Association of Scottish Police Superintendents](#)

[Scottish Police Federation](#)

[Scottish Biometrics Commissioner](#)

16. The budget for policing in Scotland is provided primarily across 2 budget lines: via the Scottish Police Authority (SPA) and through the Police Central

Government strand. The former totalled £1,449.3 million in 2023/24 (includes the costs of the SPA itself). The latter was £73.8 million.

17. As noted in their evidence to the Committee, a further sum of £80 million in resource funding was provided to Police Scotland, of which about half was taken up in reconciling a pay award for 2022/23.<sup>1</sup>
18. Although Police Scotland had been provided with around £40 million of “new money” after dealing with the pay award, the force told Members that over the course of the current financial year it has had to cut back on overtime and reduce police staff numbers commensurate with the reduction of 600 police officer posts in order to balance the budget. James Gray of Police Scotland said this had meant its budget “has been under considerable stress in the current year”.<sup>2</sup>
19. Mr Gray stressed that Police Scotland still faced month-on-month overspends and needed to look at areas for further cuts, such as to the investment budget for transformation and reform, the estate (e.g., the closure of 30 police stations) and to the 101 service. Recruitment bans were to continue too. He said he felt “an element of trepidation about the next financial year”.<sup>3</sup> His colleague, David Page, noted the force had a £19 million “mitigation plan” in plan to ease the budget situation but said Police Scotland would struggle to meet this.<sup>4</sup>
20. One project Police Scotland were trying to protect was that of body worn video cameras (BWVCs). However, Mr Gray indicated that Police Scotland could not “guarantee roll out of body-worn video cameras” but said they were “doing [their] utmost to protect” this project.<sup>5</sup> A full business case was due before the SPA in January 2024 with a phase 1 roll out by June 2025 (to 10,500 front line officers).<sup>6</sup>
21. In his written evidence, Dr Plastow, the Scottish Biometrics Commissioner, was critical of what he saw as underinvestment in BWVCs, describing the situation as an “embarrassment” because Police Scotland officers were not routinely equipped with such devices as officers are in all other UK Forces. In his view, “as a consequence, millions are then spent on investigations and public enquiries into critical incidents in situations where [BWVCs] would have provided clear evidence of the facts at the outset.”<sup>7</sup>
22. A critical factor in any budget for 2024/25 will be that of pay awards, As Mr Page noted, 85% of Police Scotland’s head count is that of staff and current assumptions were based on a 2% award<sup>8</sup> (requiring about £50 million of additional savings<sup>9</sup>). He said anything higher than that will have an impact on the budget requirements.

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<sup>1</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 3-4.

<sup>2</sup> Ibid, col 4.

<sup>3</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 4.

<sup>4</sup> Ibid, col 5.

<sup>5</sup> Ibid col 21.

<sup>6</sup> Ibid, col 26.

<sup>7</sup> Scottish Biometrics Commissioner, written evidence.

<sup>8</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 14.

<sup>9</sup> Ibid, col 13.

23. Referring to the pilot scheme in the north-east of Scotland where, following an assessment and assurance check, Police Scotland may choose not to investigate a crime and close the case, Deputy Chief Constable Connors indicated that this pilot was being reviewed and that further use elsewhere was part of “the hard choices that [Police Scotland] face and the lack of resources mean[t] that [Police Scotland] need to be able to reduce demand in a proportionate way”.<sup>10</sup>
24. Mr Page concluded by stating that a flat cash settlement for 2024/25, as per their current plan, would mean a further reduction of an additional 600 police officers and 200 staff. He said this would need to be in place by April 2024<sup>11</sup>.
25. One issue that arose in subsequent written evidence from Police Scotland when questioned about their capital budget was their plans for “slippage management”. Police Scotland said that to manage the shortfall in funding without bringing initiatives to a halt it had “over-allocated the capital budget in 2023-24 beyond the resources available” and then it will “actively work with capital budget holders during the year to manage the spending down by “slipping” spend into 2024/25 as required”. Police Scotland stated that “this is not a sustainable position, as [they] are simply pushing the cumulative underfunding issue into future years”. They noted that “if capital resources are not increased for policing in the short to medium term, it will not be long before the following year capital allocation could already be committed before the allocation is even formally approved”.<sup>12</sup> The amount of the budget managed in this way in 2021/22 was £2.4 million compared to £32.1 million for 2023/24.
26. The Scottish Police Federation (SPF) said that cuts to the force “have consequences and public safety is being compromised”<sup>13</sup>. They described the current plans for savings as having a “detrimental effect on the service.”<sup>14</sup> In their view:
- “The police service cannot cope with any further reduction of officer numbers and the government would need to make sure that the budget is set so that any future pay awards are incorporated in the budget from the outset. Police officers need to be paid fairly and appropriately and we simply cannot afford to decrease officer numbers to balance the books because of inadequate funding.”<sup>15</sup>
27. The SPF’s General Secretary wrote that “police demand is already far in excess of police capacity and any suggestion that the police service should cut numbers and do more with less is the substance of fairy tales.”<sup>16</sup>
28. Similarly, the Association of Scottish Police Superintendents (ASPS) wrote that the current savings plan “was having a hugely detrimental effect on morale”<sup>17</sup> and that there needed to be an “acceptance that cuts to policing will limit the ability of

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<sup>10</sup> Ibid, col 9-10.

<sup>11</sup> Ibid, col 12.

<sup>12</sup> SPF, additional written evidence, available at: <https://www.parliament.scot/~media/committ/5682>

<sup>13</sup> SPF, written evidence.

<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> ASPS, written evidence.

Police Scotland to deliver policing services of the same scale, quality, and scope that the public, and Scottish Government, have become accustomed to, and which ASPS believe they deserve.”<sup>18</sup> ASPS was particular critical that police officers were having to pick up demand (e.g. looking after people with mental health or at crash scenes) because other services (such as local authority social care or NHS mental health services) were not able to do so. This is a point made separately to the Committee by others such as HMICS in a recent report.<sup>19</sup>

29. ASPS also noted that police officers still spent “far too much time, and at substantial public cost, sitting in witness rooms of over-booked criminal courts, when there is no chance of them being called to give evidence and when they could otherwise be on duty in our communities, patrolling, responding, investigating and working with partners.”<sup>20</sup>

30. In her evidence to the Committee, the Cabinet Secretary for Justice and Home Affairs said that “policing is secure and stable in terms of what it is achieving with regard to the investment and police numbers”.<sup>21</sup> She added that she would “work as hard as possible to get the best possible budget for Police Scotland because I want the new chief constable to be able to make decisions as she sees fit around police numbers and the deployment of those resources.”<sup>22</sup>

31. In terms of specific issues, the Cabinet Secretary said that the roll out of body worn video cameras to the police was “a priority”<sup>23</sup> and that reshaping the police estate through co-location with other emergency and community services was a “sensible thing to do and can also lead to a better way of working”.<sup>24</sup>

### *Fire and rescue*

#### **Links to relevant written evidence**

[Paper 2, 13 September](#) (contains submissions from the Scottish Fire and Rescue Service)

[Fire Brigades Union Scotland](#)

32. The budget for the fire and rescue service in Scotland is just over £308 million for the 2023/24 financial year, which included an additional £14.4 million in funding provided by the Scottish Government. However, as Ross Haggart, Chief Officer of the Scottish Fire and Rescue Service (SFRS) noted, the organisation has still had to achieve savings of £11 million in this year, leading to what he described as “difficult decisions”<sup>25</sup>, such as the temporary removal of 10 second or third appliances from multi-pump stations and amendments to the crewing arrangements at the Polmadie water rescue facility.<sup>26</sup> He also said SFRS had

<sup>18</sup> Ibid.

<sup>19</sup> HMICS Thematic review of policing Mental Health in Scotland, 18 October 2023.

<sup>20</sup> ASPS, written evidence.

<sup>21</sup> Criminal Justice Committee, Official Report, 8 November 2023, col 31.

<sup>22</sup> Ibid, col 32.

<sup>23</sup> Ibid, col 31.

<sup>24</sup> Ibid.

<sup>25</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 6.

<sup>26</sup> Ibid, col 7.

decided that its office premises at Hamilton were “surplus to requirements”<sup>27</sup> in order to make savings.

33. Despite these cost saving measures, Mr Haggart told the Committee that SFRS may still have to make additional savings of between £14 million and £26 million next financial year and, in some scenarios, this could be as high as between £37 million and £48 million (compared to a resource budget of £308 million).<sup>28</sup>

34. As with the police force, a considerable proportion of the budget for SFRS relates to staffing costs; around 80%. Accordingly, Mr Haggart told the Committee this means that:

“... little scope exists for us to make significant savings in the service without reducing firefighter—specifically, whole-time firefighter—numbers. Again, we have illustrated that point in the submission. We do not believe that we could reduce our firefighter numbers to the extent that our modelling suggests without impacting on the safety of the communities that we are here to serve.”<sup>29</sup>

35. Additionally, Mr Haggart warned of challenges ahead in relation to SFRS’s capital budget. He said SFRS needed “a sustained investment in our capital budget of £60 million per annum to address the significant backlogs” including for the 14 buildings that had been found to contain reinforced autoclaved aerated concrete.<sup>30</sup>

36. The current size of the capital budget was also having an impact on investment in decontamination facilities for firefighters, with Mr Haggart saying that he hoped to prioritise firefighter safety in respect of contaminants, and that SFRS was seeking to provide dignified facilities across its estate for all staff and visitors to their premises.<sup>31</sup> Overall, he said “there is simply not enough capital money for all of the capital priorities that we have.”<sup>32</sup>

37. In terms of 2024/25, the Chief Officer said that they expected that SFRS would need to save £14 million in that year, which would equate to 339 whole-time or full-time firefighter posts. He said that a reduction of this scale would mean SFRS could not crew a further 18 appliances (out of the current 116 full-time appliances in Scotland). He added that such changes would mean SFRS would “not be able to meet [its] current response times, so [they] would not be able to keep communities as safe as they currently are.”<sup>33</sup>

38. In its written submission and its [Firestorm report](#), the Fire Brigades Union Scotland (FBU) said that “there are clear signs that the service they are providing is being consistently undermined” and that the service has been “subject to a decade of underfunding”.<sup>34</sup> The FBU noted that SFRS had been subject to successive budget allocations which have led to “real terms cuts of more than

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<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid, col 8.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid, col 16.

<sup>33</sup> Ibid, col 21.

<sup>34</sup> FBU Scotland, written evidence.



£57 million since 2012, with an additional £11 million of savings having to be found in 2023/24 and projections for a further cut of £25 million by 2027.”<sup>35</sup> Furthermore, the union reported that, in Scotland, more than one thousand firefighter jobs have been lost, including almost 700 wholetime jobs, nearly 300 retained jobs and 60 control jobs; resulting in 43 fewer pumping appliances.

39. The FBU also reported that retained/on-call appliance availability was “significantly worse with as many as 150 retained appliances routinely unavailable across Scotland”.<sup>36</sup> In its view, one key challenge with the retained service was the inability to recruit and retain new firefighters for this part of SFRS.
40. More generally, they added that SFRS was currently having to dilute the standard and frequency of training in key, safety critical areas such as breathing apparatus, hot fire training and tactical ventilation.
41. The union concluded that a “programme of sustained, long term, budget setting rather than a reactive year on year cuts is essential if Scotland’s communities are to receive the service they deserve”<sup>37</sup> and called for a new vision for the fire service to be produced with an appropriate level of investment to make it happen.
42. In her evidence to the Committee, the Cabinet Secretary for Justice and Home Affairs stated that the Scottish Government would continue to work with the FBU and the Scottish Fire and Rescue Service and that “ministers continue to receive assurances from His Majesty’s Fire Service Inspectorate in Scotland and chief fire officers that we have a safe service” She said, “there are, of course, choices and challenges to address—no one disputes that for one moment— but we have continued to make year-on-year increased investment in fire services.”<sup>38</sup>
43. She added that she disputed whether the service is underfunded but accepted that there was “deep pressure on capital budgets”.<sup>39</sup> In relation to the provision of decontamination facilities, she said it was “important that workers are afforded dignity, safety and privacy.”<sup>40</sup>

### *Courts and the COPFS*

#### **Links to relevant written evidence**

[Paper 2, 13 September](#) (contains submissions from the Scottish Courts and Tribunals Service and the Crown Office and Procurator Fiscal Service)

44. In 2023/24, the Scottish Courts and Tribunals Service (SCTS) was provided with £147.6 million and the Crown Office and Procurator Fiscal Service (COPFS) with £196.6 million. Both organisations received additional funding from the Scottish Government, which they welcomed<sup>41</sup>. However, Stephen McGowan, Deputy

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Criminal Justice Committee, Official Report, 8 November 2023, col 20.

<sup>39</sup> Ibid, col 21.

<sup>40</sup> Ibid, col 23.

<sup>41</sup> Criminal Justice Committee, Official Report, 13 September 2023, cols 36 and 37.

Crown Agent at COPFS, noted that this additional funding “did not address all of the essential funding needed for 2023-24”<sup>42</sup>. Eric McQueen, Chief Executive at the SCTS, said there were still some “shortfalls and pressures on [their] overall budget”.<sup>43</sup>

45. It is also worth noting that COPFS confirmed to the Committee that the Scottish Government was providing additional sums to them to pay for the costs associated with the Rangers FC case. Stephen McGowan confirmed that the most up to date figure was £57.4 million and that there would be additional budget set aside for any public inquiry.<sup>44</sup>
46. Mr McGowan reported that the budget shortfall had resulted in issues for the two additional High Courts that had been put in place to reduce the pandemic backlog. There had also been issues with the funding for the establishment of an evidence-by-commissioner unit and the provision of pathology services. Mr McGowan said there was currently £9 million of pressure on the budget and described the financial outlook as “challenging”.<sup>45</sup>
47. Mr McQueen told the Committee that SCTS still needed to reduce its costs by about 25% even after taking some measures such as finding £2 million in procurement savings. In particular, pressures on investment in their estate and building stock was described as “not sustainable”. Additionally, Mr McQueen indicated that further pressure had been placed on SCTS’s budget through the agreement reached by the Scottish Government on pay awards. He told the Committee that SCTS had budgeted for a 3.5% increase but the eventual pay settlement reached was “much higher”.<sup>46</sup> He said the 7% increase in 2023/24 and the 5% for 2024/25 proposed had resulted in real in-year pressure of £3.9 million on SCTS’s budgets, with a knock-on effect of around £6.5 million next year.
48. One of the additional challenges faced by SCTS related to the contract with GEOAmev to provide prisoner transport which Mr McQueen said was “having quite a significant impact on the operation of the courts.” This issue was also raised by His Majesty’s Inspectorate of Prisons (HMIPS) which said that “the prison transport provider is abjectly failing to deliver an effective service.”<sup>47</sup>
49. Mr McQueen noted that, in the past six weeks, there had been 48 trial days lost because people in custody or prisoners had not been able to be brought to court, and a significant number of courts were now sitting quite late into the evening”. This had meant there was “a serious wellbeing issue for everyone working in the court environment.”<sup>48</sup>
50. Other cost pressures in the courts had come from increases in the pay for judges and what were described as “extreme pressures” on the Mental Health Tribunal for Scotland because of increased demand.<sup>49</sup>

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<sup>42</sup> Ibid, col 36.

<sup>43</sup> Ibid, col 37.

<sup>44</sup> Ibid, col 40.

<sup>45</sup> Ibid, col 36.

<sup>46</sup> Ibid, col 37.

<sup>47</sup> HMIPS, written evidence.

<sup>48</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 57.

<sup>49</sup> Ibid, col 44.

51. For the COPFS, one of the costs pressures on its budget came from the Fatal Accident Inquiries (FAI) system. Mr McGowan reported that there had been a significant increase in the number of discretionary FAIs in the last two years in part because of the increased complexity of the cases.<sup>50</sup>
52. The Committee also explored the current backlog of cases in the solemn and summary courts with both witnesses. Mr McGowan welcomed the additional funding that had been provided by the Scottish Government to tackle the backlog because of Covid but described these backlogs as “generational” although at levels “bigger than they have ever been”.<sup>51</sup>
53. He was confident that the additional funding provided by the Scottish Government would “help us bring [backlogs] down over time” but it would be a “multiyear journey to get to that point.”<sup>52</sup>
54. Mr McQueen’s view was that, at least in relation to the more serious cases before solemn courts, it would be “unlikely” that the system would return to pre-pandemic levels of backlog because there was an increase of about 38% in the past five years in the number of indictments in both the sheriff court and the High Court.<sup>53</sup> He said that a significant proportion of this related to sexual offences.
55. One factor which Mr McGowan noted could have a further impact on the backlog is the decision in the case of the Lord Advocate’s referral of *Smith v Lees*<sup>54</sup> (relating to corroboration in cases of rape) to the High Court<sup>55</sup>. He said “there [was] no doubt that there could be an increase in the number of cases that [COPFS] are able to bring”, not only at High Court level but at sheriff, jury and potentially also summary level, because such a decision would have “far-reaching consequences for sexual offences and potentially also for offences such as domestic abuse”.<sup>56</sup>
56. This was also a view shared by the Cabinet Secretary who said “the judgment has an immediate and retrospective impact” on the courts and that it had the potential to increase prosecutions.<sup>57</sup>

## Prisons

### Links to relevant written evidence

[Paper 1, 8 November](#) (contains submissions from the Scottish Prisons Service)  
[HM Inspectorate of Prisons Scotland](#)  
[Families Outside](#)  
[Glasgow City Council, Community Justice Glasgow Partnership](#)

<sup>50</sup> Ibid, col 40.

<sup>51</sup> Ibid, col 42.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid, col 51.

<sup>54</sup> *Smith v Lees* 1997 JC 73.

<sup>55</sup> <https://judiciary.scot/home/sentences-judgments/judgments/2023/10/18/lord-advocate-s-reference-no.-1-of-2023#:~:text=In%20Smith%20v%20Lees%201997,not%20consent%20to%20what%20happened>

<sup>56</sup> Criminal Justice Committee, Official Report, 13 September 2023, col 52.

<sup>57</sup> Criminal Justice Committee, Official Report, 8 November 2023, col 34.

57. The resource budget for the Scottish Prison Service (SPS) in 2023-24 is £398.6 million (increased from £369.6 million in 2021/22). This is a 7.8% increase from the previous year budget baseline. SPS's capital budget was £97 million in this financial year, an increase from £72.8 million in the previous year.<sup>58</sup>
58. Despite the increase, SPS told the Committee that, due to the increased inflationary pressures and the impact of cost-of-living increases in 2022/23, it required an additional uplift of £14.5 million on the resource budget at the spring budget revision. This additional funding was provided by SPS noted that this was "in-year only and therefore these net cost pressures were carried forward in financial year 2023/24". It said, when baselining the 2022/23 budget for these cost pressures, then the real terms increase in funding is 3.4%.<sup>59</sup>
59. SPS added that its budget for 2023/24 was "under pressure due to a number of cost challenges which include utilities, food, other prisoner supplies and costs and non-domestic rates".<sup>60</sup> They have also cited continued high inflation, the recent pay award, the SCCPES contract operated by GEOAmev (for prisoner transport) and the proposed transfer of HMP Kilmarnock into the public sector as adding cost pressures to their budget.
60. In terms of its capital spending plans, SPS told the Committee that the planned budgets for 2024/25 and 2025/26 were £192 million and £80 million respectively. Key projects within the spending plans were the finalisation of the phase 2 at HMP&YOI Stirling and work to progress replacements for HMP Inverness and HMP Barlinnie.<sup>61</sup>
61. It should be noted that, in terms of SPS's current capital budgets, correspondence received by the Finance Committee has indicated that £20 million is being removed "due to continuing challenges in the construction market".<sup>62</sup>
62. Overall, Teresa Medhurst, Chief Executive of the SPS, told the Committee that "we have experienced significant inflationary pressures right across our budget, and the increasing population and complexities have put additional strain on service deliver."<sup>63</sup> She added that SPS was "still unclear about what [its] budget is likely to be for next year" and that "part of the challenge relates to where the population is likely to rise or fall."<sup>64</sup>
63. There were several issues that were causing further pressures on the budget of the prison service. For example, the contracts for the two private prisons – HMP

<sup>58</sup> Scottish Prison Service, written evidence.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

<sup>62</sup> Letter to the Finance Committee: Available at [Letter from the Deputy First Minister and Cabinet Secretary for Finance to the Convener of 21 November 2023 \(parliament.scot\)](#)

<sup>63</sup> Criminal Justice Committee, Official Report, 8 November 2023, col 1.

<sup>64</sup> Ibid, col 2.

Kilmarnock and HMP Addiewell – contain clauses which allow the private operator to receive RPI+1% increases year-on-year. As Gerry Donnell of the SPS noted, “in September, RPI was 6.9 per cent, so you can imagine the impact that that has when our budget increases by 3.4 per cent.”<sup>65</sup>

64. The Scottish Government has taken a decision to return HMP Kilmarnock to the publicly owned estate when the current contract comes to an end. SPS informed the Committee that the planned transfer date is 17 March 2024 and that “more detailed work will have to be factored into next year’s budget”.<sup>66</sup> A figure of £1.4 million has been set aside, but that only covers costs for this financial year (2023/24).

65. In relation to the completion of the new HMP Glasgow to replace HMP Barlinnie, SPS said it was still in discussions to finalise a design and a price with the contractor and that it was anticipated that it would complete that process in the next 12 months.<sup>67</sup>

66. In her evidence to the Committee, the Cabinet Secretary said that HMP Glasgow “will cost more than £400 million” and she was “confident of that”<sup>68</sup>. She added that “decisions will, of course, have to be made about the phasing of resources” and that this was a multi-year project.<sup>69</sup>

67. Ms Medhurst also commented on the prisoner transport contract operated by GEOAmev. She said work was underway to review the problems with this contract and that GEOAmev was “operating at a level that means that service delivery cannot manage the demands that [SPS] place on it”.<sup>70</sup> She thought that the recent reviews of the service and the additional funding that had been provided had led to “green shoots of improvement”.<sup>71</sup>

68. In her evidence to the Committee, the Cabinet Secretary said there were “budgetary implications of having a high prison population” and there were “smarter ways to invest money to keep our communities safe, notwithstanding that there will always be a need for prisons and it will always be the case that prison is absolutely necessary for public protection.”<sup>72</sup>

69. Speaking more broadly she said future reforms to tackle prisoner numbers needed to recognise that “there is a growing understanding and appreciation that this is not just an SPS problem or a justice problem” but required action across government.<sup>73</sup>

### *Community justice*

<b>Links to relevant written evidence</b>
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<sup>65</sup> Ibid, col 3.

<sup>66</sup> Ibid, col 4.

<sup>67</sup> Ibid, col 7.

<sup>68</sup> Ibid, col 41.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid, col 14.

<sup>71</sup> Ibid, col 15.

<sup>72</sup> Criminal Justice Committee, Official Report, 8 November 2023, col 36.

<sup>73</sup> Ibid, col 40.

Paper 4 on [1 November 2023](#) (contains evidence from Community Justice Scotland

[Glasgow City Council, Community Justice Glasgow Partnership](#)

[Families Outside](#)

[Children and Justice Services South Lanarkshire Council](#)

[Criminal Justice Voluntary Sector Forum \(CJVSF\), hosted by CCPS](#)

70. Most of the Committee's session on 1 November with Community Justice Scotland (CJS) was focussed on the budgets for community justice more generally rather than that for CJS as an organisation.
71. Bill Fitzpatrick of CJS did note though that CJS's budget was around £4 million per year and that it had been "directed" to realise efficiencies which he said was difficult to do when its budget was spread over three separate funding streams. He said consolidating the budget would make it simpler and easier to find cash efficiencies<sup>74</sup>. Chris McCully added that because of having to find efficiencies, the service was "close to capacity" and that additional funding to support the development of pilots, innovation and development work would be "very beneficial".<sup>75</sup>
72. Speaking more generally, Karyn McCluskey, Chief Executive of CJS, said that funding for community justice, particularly for third sector bodies, was "vastly challenging", pointing out the continued uncertainty for these bodies caused by the continued use of year-on-year (rather than multi-annual) funding awards.<sup>76</sup>
73. Ms McCluskey was also concerned by what she called a move toward statutory working, i.e., various organisations and criminal justice bodies retreating to providing only those services that were required by statute because of their budget situation<sup>77</sup>. She said that some activities, such as more preventative and diversionary projects, would suffer. Her colleague, Chris McCully, highlighted throughcare as an example where he indicated that cases had fallen to 1,800 per year<sup>78</sup>, the second lowest figure in ten years.
74. CJS were critical in terms of decisions on the high-level budgets and the allocations for community justice compared to other parts of the criminal justice system. For example, Bill Fitzpatrick noted that the budget in total for community justice accounted for only 4% of the overall justice budget (split roughly 2.5% to social work and 1.5% for community justice). He said that there was no "serious discussion about effectively re-wiring the justice budget"<sup>79</sup>. Karyn McCluskey's view was that this might be because community justice services sometimes lost out by being "quite hidden" in terms of their work, which often support people over a lengthy period of time before any impact was seen<sup>80</sup>.

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<sup>74</sup> Criminal Justice Committee, Official Report, 1 November 2023, col 52.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid, col 51.

<sup>77</sup> Ibid, col 53.

<sup>78</sup> Ibid, col 56.

<sup>79</sup> Ibid, col 59.

<sup>80</sup> Ibid, col 54.

75. Community Justice also told the Committee that there would be some additional responsibilities for justice social work and other community justice partners from implementing the provisions in the Bail and Release from Custody Scotland<sup>81</sup>.
76. A further area of concern was a lack of universal provision in some of the community justice services. Projects such as the Caledonian programme (offering support to individuals who have perpetrated gendered violence) were cited, where 6 of the 32 local authorities are unable to offer such services<sup>82</sup>.
77. Similarly, the lack of a consistent provision in all areas of non-custodial community options as alternatives to incarceration were cited<sup>83</sup>. Karyn McCluskey said, “it is not right that someone might get one sentence in Inverness and a different one in East Dunbartonshire” because of differences in availability of alternatives to custody<sup>84</sup>.
78. For CJS staff, the key to the future was a process of driving change in spending priorities from that on prisons to community-based alternatives<sup>85</sup>, but this required political input and investment in change over the long-term<sup>86</sup>. This was a point made also by Families Outside<sup>87</sup> which said that the Scottish Government’s *Vision for Justice* cannot be met through justice funds alone and that the community justice approach needed the joining together of justice agencies with health and local authorities.
79. By way of evidence of the success of a transition from prison to community alternatives, the Community Justice Glasgow Partnership noted that reconviction data (for 2018/19) shows that 52% of short sentence offenders released from prison were reconvicted within one year (up from 49% in the previous year). In comparison, reconviction rates for community payback orders were much lower at 29%<sup>88</sup>.
80. They said they would “welcome a commitment to shift the spend from the use of custody towards those evidenced approaches in the community which reduce the likelihood of reoffending and are operable at funding levels far below the cost of custody”. The Community Justice Glasgow Partnership said it recognised that this commitment will not happen in a single year but could be part of a longer-term plan.<sup>89</sup>
81. For the Criminal Justice Voluntary Sector Forum, one of its concerns is the introduction of the Verity House Agreement (between the Scottish Government and COSLA) which it thought “may lead to the third sector [being] further marginalised and that this could ultimately impact the most vulnerable communities”. It said its members had “expressed concern that some services may be brought ‘in house’ within local authorities in order to cut costs, rather than

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<sup>81</sup> Community Justice Scotland, written evidence.

<sup>82</sup> Criminal Justice Committee, Official Report, 1 November 2023, col 54.

<sup>83</sup> Ibid, col 61.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid, col 58 and 65.

<sup>86</sup> Ibid, col 66.

<sup>87</sup> Families Outside, written evidence.

<sup>88</sup> Community Justice Glasgow Partnership, written evidence.

<sup>89</sup> Ibid.

prioritising the best outcomes for people, and that underfunding the third sector ultimately compounds the burden for local authorities”.<sup>90</sup>

82. In her evidence to the Committee, the Cabinet Secretary for Justice and Home Affairs said that there was “a very strong argument for picking up the pace in achieving [her] ambitions for community justice, bearing in mind the situation that we are in with a growing prison population” and that any new approach on funding for community justice “must be not just short-term responses but for the longer term.”<sup>91</sup>

83. The Cabinet Secretary also accepted that there were “pragmatic” arguments in favour of multi-year funding packages for community justice and the third sector groups that provided services for these but added that “multiyear funding is somewhat challenging when you have to operate with single-year budgeting.”<sup>92</sup> She added that there was a need, “where possible, to have a longer-term spend-to-save vision.”<sup>93</sup>

### *Other*

84. In their joint written submission, COSLA and Social Work Scotland said they were keen that upcoming budgets were aligned to the commitment to expand community justice services and that local authorities were enabled to begin delivering this expansion. They added that funding for justice social work had fallen short over several years of meeting the expenditure requirements of the service. This had resulted “in a depleted and tired workforce”<sup>94</sup>.

85. They called for a review of justice social work funding arrangements, which they described as “very fragmented”. COSLA and Social Work Scotland added that there was a need to assess the resource requirements of the service to ensure it is properly funded, including considering the impact of inflation. They said that consideration should be given to including Prison-Based Social Work Services within the Section 27 financial allocation<sup>95</sup>.

86. In its written submission<sup>96</sup>, Scottish Women’s Aid said that significant resourcing needed to be provided for several measures, including:

- The implementation of Domestic Abuse (Protection) (Scotland) Act 2021
- The implementation of the Istanbul Convention, especially the commitment to proportionate sanctions and sentencing
- Solicitor availability overall, especially in Highlands & Islands and Argyll & Bute
- For survivors of domestic abuse, both in terms of support and practical solutions, as well as to continue to give survivors a voice to ensure we continue to reflect and learn.

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<sup>90</sup> Criminal Justice Voluntary Sector Forum, written evidence.

<sup>91</sup> Criminal Justice Committee, 8 November 2023, col 25.

<sup>92</sup> Ibid, col 26.

<sup>93</sup> Ibid, col 27.

<sup>94</sup> COSLA and Social Work Scotland, written evidence.

<sup>95</sup> Ibid.

<sup>96</sup> Scottish Women’s Aid, written submission.



87. In terms of its own funding from the Scottish Government, it said that grant-in-aid settlements had not kept up with staffing costs, office space, energy bills, and general organisational costs<sup>97</sup>.

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<sup>97</sup> Ibid.

## Conclusions and recommendations

88. The Committee thanks all those organisations who have taken the time to provide us with their views on the financial situation facing the police, fire and rescue services, prisons, prosecution services and the courts and community justice system. The evidence we have heard shows that the situation is very challenging, with almost all justice bodies reporting that they have had to receive additional in-year funding in 2023/24, mainly to deal with the consequences of high inflation and to meet pay awards, and that further efficiency savings are inevitable.
89. Resource budgets are under pressure due to the erosion of the value of budgets by high inflation but it is the situation facing capital spending that causes the Committee the most concern. It is clear from the evidence we heard that critical projects such as the replacement of HMP Barlinnie, investment in decontamination facilities in fire stations and the roll out of body worn video cameras to police officers are all under severe cost pressure. Similarly, there are multiple pressures on the Scottish Budget and challenges in investing in our courts and for projects within community justice.
90. On the resource side, there is a challenge for Police Scotland to maintain staffing numbers and on the delivery of services. The recent pay award has had an impact on its budget.
91. Similarly, in the fire and rescue service, there is a challenge to maintain staffing numbers and the delivery of services. Of particular concern to the Committee is the situation in most parts of Scotland outside of the central belt and the north-east where the retained system (on-call) used by the fire service is under severe pressure and where recruitment and retention of firefighters is very challenging.
92. Likewise, in our courts, we are concerned that a lack of funding may be contributing to problems in recruiting and retaining enough defence solicitors who, along with others, will be critical to tackling the court backlogs. We also heard views that financial pressures were impacting on the establishment of an evidence-by-commissioner unit and the provision of pathology services. Additionally, working conditions in the court service have been detrimentally impacted by the current prisoner transport contract (with GEOAmey) which the evidence we received suggests is not working effectively and is causing problems running our courts and enabling them to finish business at a reasonable hour.
93. In the prison service, the Committee is concerned that the current level of funding does not permit the return of its throughcare systems which were vital to any efforts to prepare prisoners for release and reduce the likelihood of reoffending. Such schemes are critical to how the recently passed Bail and Release from Custody Act will operate. The Committee understands that the Scottish Prison Service had to move its specialist officers into frontline services elsewhere in prisons because of the budget situation and that the service will not return anytime soon. This is a clear example of where short-term financial pressure is detrimental to a longer-term goal of keeping people out of prison and reducing prisoner numbers.
94. As was the situation in the last financial year, and perhaps even more so for next year, there is a strong case that can be made for additional money to be provided

to the key parts of the criminal justice system. Last year's extra investment by the Scottish Government was welcome but, as we warned at the time, it was largely taken up by increased pay, even if this was well deserved.

95. The Committee is of the view that the funding situation facing the criminal justice sector cannot be allowed to continue. We recognise that there are limits on the ability of the Scottish Government to raise additional finance.
96. We cannot, however, continue to provide ever increasing small sums of finance seemingly to effectively stand still in a business-as-usual fashion. As the Cabinet Secretary told the Committee, she simply does not have the budget to meet all of the demands for extra spending across the portfolio that we have heard in the evidence we received.
97. The Committee believes it is time to make the police, fire and rescue services, prisons, prosecution services and the courts and community justice system fiscally sustainable whilst maintaining public safety and the delivery of justice services. The Scottish Government and others through its Justice Board should identify and implement what the Cabinet Secretary herself recognises are spend-to-save reforms. With some upfront investment, such reforms should yield cost savings over the longer term and have clear timescales.
98. For example, debates around the numbers of people we send to prison and the need for effective alternatives to incarceration through community disposals have been longstanding with no discernible move to realising this. Similarly, the Committee has repeatedly heard evidence about the inefficiencies of police officers having to spend a disproportionate amount of time dealing with people with mental health conditions or waiting around in court rooms to give evidence, and yet these matters are not resolved. These inefficiencies and the gaps in the legislative framework waste resources and come with a financial and opportunity cost. Wider cooperation between public services is required to reduce these inefficiencies.
99. We heard evidence that there is still inconsistent provision of effective community justice disposals so that any sheriff anywhere in Scotland has the confidence that there are programmes locally that can be used instead of sending someone to prison unless it is appropriate to do so. In time, this reform should reduce prison numbers which in turn reduces costs, reoffending and the number of prison places needed, or even the number of prisons. Savings from these reforms can be reinvested in the system.
100. Similarly, in the police and fire and rescue services, we should explore the provision of newer co-located premises which offer improved facilities for officers, firefighters and staff, including for example, modern decontamination facilities and systems for the fire service. In turn, this would allow older, more costly stations to close, thereby yielding savings over the longer term in reduced maintenance budgets. This is mentioned in various estate strategies but needs to be driven forward much more rapidly.
101. These are examples of where the Committee believes there are now opportunities for reform and a detailed programme of investment in the criminal justice system on a spend-to-save basis.