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The Scottish Parliament  
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9 December 2025

Dear Convener,

## **CRIMINAL JUSTICE COMMITTEE – PRE-BUDGET SCRUTINY FOLLOW UP QUESTIONS**

Thank you for your email dated 26 November 2025, in which you have requested further information on a number of issues which were discussed at last week's Committee meeting.

**Question 1:** *Powers on the ability of national bodies to carry over reserves to successive financial years, in the context of the changes to the police and fire service position under the old local government regional structure to the present situation of Police Scotland and SFRS? What statute/framework governs this, who had the authority to change it etc?*

I recognise that constraints in the Scottish capital budget present challenges right across the public sector, including for the Scottish Police Authority (SPA) and for the Scottish Fire and Rescue Service (SFRS). I also recognise the significant challenges for organisations in relation to managing capital programmes which fund significant and varied asset programmes, on the basis of single-year capital budgets. The multi-year Scottish Spending Review will be published alongside the 2026-27 Budget on 13 January 2026, and will include indicative capital funding allocations up to 2029-30. This will provide greater certainty to public bodies on their future year capital budgets, which I hope will be helpful in terms of planning and managing capital investment over this period.

With regards to reserves, the rules that apply are dictated by the classification of the bodies as determined by the Office for National Statistics (ONS). SPA and SFRS are assessed by ONS as being part of central government (as are the other justice bodies). This means that budgeting rules set out by HM Treasury apply. These rules effectively preclude individual bodies from operating their own reserves, as all the income and expenditure of central government bodies scores against Scottish Government budget limits. Under the powers set out in the Scotland Act 2016, the Scottish Government, as a whole, does have some limited ability to manage spending across financial years by carrying forward underspends through

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the Scotland Reserve. However, the Scottish Government is still required to balance the budget annually, and remain within the budget control limits set by HM Treasury.

Local Authorities are governed by the Local Government (Scotland) Act 2003, Chartered Institute of Public Finance and Accountancy (CIPFA) and Local Authority (Scotland) Accounts Advisory Committee (LASAAC) accounting guidance, not HM Treasury budgeting rules. Local Authorities have the ability to carry forward reserves within these rules. Police and fire operated under this framework before police and fire reform in 2013.

In relation to borrowing power, because the SPA and SFRS are classified as central government bodies they fall within the central government's budgeting boundary. Limited capital borrowing limits as set out in the Fiscal Framework apply to Scottish Government as a whole, and there is no capacity for individual bodies within the budgeting boundary to borrow beyond those limits. Local Authority borrowing arrangements are subject to their own separate rules which can offer greater flexibility.

Scottish Ministers have sought (and continue to seek) increases to the capital borrowing limit through renegotiation of the Fiscal Framework.

**Question 2:** *Further information on relative differences between the cost of incarceration and alternatives such as HDC/community payback orders.*

It is quite complex to make a direct comparison between the cost of a prison place averaging around £52,000 per year and a community sentence as there are a number of variables that influence the cost of prison and the variety of community sentences that can be imposed. For example where an individual is handed a prison sentence, we do not know what community sentence that individual might otherwise have received and what the cost of that would be. The cost of delivering a Community Payback Order is dependent on the level of supervision required, and the hours of unpaid work, which would be dependent on the specific offence and the history of the offender. However, overall the cost of community sentences is significantly less than custodial sentences. As an example, if someone is eligible for Home Detention Curfew, they will be subject to electronic monitoring for up to six months. In 2024-25, the estimated cost of electronic monitoring for a period of six months was on average just over £1,245 per person.

**Question 3:** *Further information on the ability of bodies like the SCTS to retain its recover, renew, transform funds and for these to be baselined going forward.*

The £42 million figure reported by Scottish Courts & Tribunals Service (SCTS) in its pre-budget submission to the Criminal Justice Committee, as the total amount of additional funding it requires in 2026-27, includes a request to baseline the current Recover, Renew, Transform (RRT) funding of £20.3 million into its core budget to maintain court capacity, support digital transformation to improve service delivery, and to deliver longer term efficiencies.

Decisions on 2026-27 budget allocations, including whether RRT funding will be baselined to the SCTS budget, will be confirmed as part of the Scottish Budget, which is due to be published on 13 January 2026.

We remain committed to working closely with all Justice Public Bodies to explore options for addressing financial pressures while also safeguarding service delivery.

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**Question 4:** *Further information on the landscape for fiscal flexibility and reserves for criminal justice stakeholders?*

This question has been addressed in the response to Question 1.

**Question 5:** *Further information on the shifting pressures and priorities around some of the issues the Convener raised in terms of Police Scotland and unforeseen/or newly emerging issues. Such as anti-terrorism policing, policing protests, demonstrations and civil unrest, policing of POTUS visits, investigating cybercrime and risks of cyberattacks etc. How will these emerging issues be reflected in the upcoming budget, not just for police but for other emerging issues for other justice stakeholders?*

I recognise that demands on the justice system continue to increase. This increase is seen at every point of the system, including Police Scotland, SCTS, legal aid, the prison service and community justice services. This is brought into sharp focus in relation to prisoner numbers, with the prison estate currently operating at levels in excess of the design capacity. Further examples include SFRS which is experiencing a shift in demand due to climate-related incidents, wildfires and a number of emerging risks, and Police Scotland which is experiencing additional demands due to issues including the changing nature of the threat from counter terrorism and serious organised crime, an increase in non-recent investigations, and geopolitical issues driving vulnerability, harm and civil unrest. Organisations are all considering how best to deal with these additional demands in a challenging financial environment.

I am very much aware of these additional demands, which are reflected in the funding requirements of the individual bodies. These budget requests are being considered in relation to the delivery of the 2026-27 budget to ensure we can continue to support the delivery of essential justice frontline services.

It is also incumbent on the justice bodies to consider what actions they can take to deliver organisational and system level efficiencies, savings, and improvements, while protecting frontline delivery as far as possible. The Justice portfolio has a proven track record of delivering successful reform programmes which have reduced the cost base significantly. Organisations continue on their reform journeys, with plans in place to improve and transform service delivery, and to deliver further efficiencies and savings.

The Government's core priorities, which include ensuring high quality sustainable services, will sit at the heart of the Scottish Spending Review process and will guide how and where we will allocate funding. In addition to allocating funding to priorities, we will also keep a focus on fiscal sustainability and ensure spending plans are affordable and represent value for money. We intend to publish the result of the Scottish Spending Review alongside the 2026-27 Scottish Budget on 13 January 2026.

**Question 6:** *Further detail on SG Justice's work on climate change and justice stakeholder meeting climate targets, work to model targets placed on justice stakeholder in upcoming climate budget.*

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As you have heard in your recent evidence sessions and through written correspondence, the justice bodies take climate change very seriously, with a wide range of positive work underway across the justice system to address the climate challenge. This includes greening the police and fire fleet, ensuring that the new prisons - HMP Highland and HMP Glasgow - fully support our net zero ambitions, and adapting low carbon technologies to reduce energy use across the wider justice estate.

In terms of the duties on public bodies in relation to climate change, the Scottish Government consulted on new statutory guidance earlier this year, which is intended to support public bodies in implementing their climate change duties.

An independent analysis of the consultation responses was carried out, and a consultation analysis report was published in September: [PBCCD CA Final Report 2025](#). The consultation responses are informing the final version of the guidance, which we aim to publish before the end of March 2026.

A number of Justice sector bodies are subject to the statutory climate change reporting duty including the Chief Constable of Police Scotland, the Scottish Police Authority, the Scottish Fire and Rescue service, the Scottish Prison Service, the Scottish Courts and Tribunals Service and the Scottish Legal Aid Board, which all report annually on their compliance with the climate change duties, on a mandatory basis. The reports are published on the Sustainable Scotland Network website: [Reports](#)

I hope you find these responses to your follow up questions useful.

Yours sincerely,



**ANGELA CONSTANCE**

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