



The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

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Cabinet Secretary for Justice and Home Affairs
Scottish Government

25 November 2024

Dear Cabinet Secretary,

Pre-budget scrutiny of the Scottish Government's budget for 2025/26

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

Pre-budget scrutiny by the Criminal Justice Committee of the Scottish Government's budget for 2025/26

Introduction

1. Each year, subject committees in the 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 2025/26).
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 a general one on the financial pressures on organisations in the criminal justice sector. The Committee's report was [published online](#).
4. This year, the focus for the Committee is again a broad one on the financial pressures facing organisations in the criminal justice sector and views on the main priorities for 2025/26. Of particular interest to the Committee is the pressure on capital budgets and investment in policing, the fire and rescue service, prisons, prosecution service and the courts, community justice, criminal justice social work and the third sector.
5. In addition to making recommendations on spending priorities in the criminal justice remit, the Committee has focused, as last year, on the evidence we heard that relatively small sums of money invested on a 'spend to save' basis in different parts of the sector could make a real difference.
6. Over recent months, the Committee has taken evidence from the following as part of its pre-budget scrutiny of the Scottish Government's 2025/26 budget:
 - Scottish Fire and Rescue Service (4 September)
 - Community Justice Scotland (9 October)
 - Social Work Scotland (9 October)
 - Police Scotland (30 October)
 - Scottish Police Authority (30 October)
 - Scottish Courts and Tribunals Service (6 November)
 - Crown Office and Procurator Fiscal Service (6 November)
 - Scottish Prisons Service (6 November)
 - Cabinet Secretary for Justice and Home Affairs, the Scottish Government (13 November)

7. In addition, written evidence has been received from various organisations and individuals, which has been [published online](#). These were from:

[Community Justice Scotland \(243KB, pdf\)](#)

[COSLA and Social Work Scotland \(434KB, pdf\)](#)

[Criminal Justice Voluntary Sector Forum \(349KB, pdf\)](#)

[Faculty of Advocates \(91KB, pdf\)](#)

[Fire and Rescue Services Association \(114KB, pdf\)](#)

[Fire Brigades Union \(171KB, pdf\)](#)

[His Majesty's Inspector of Prisons for Scotland \(110KB, pdf\)](#)

[Police Scotland \(1MB, pdf\)](#)

[Procurators Fiscal FDA \(140KB, pdf\)](#)

[Scottish Fire and Rescue Service \(302KB, pdf\)](#)

[Scottish Police Authority \(116KB, pdf\)](#)

[Victim Support Scotland \(123KB, pdf\)](#)

8. The Committee is grateful to all those organisations who took the time to send us their views.
9. This report sets out a summary of the evidence received and the Committee's conclusions and recommendations.

The current budget for the criminal justice system

10. The current [Scottish Budget for 2024/25](#) was published by the Scottish Government in December 2023. It set out the Scottish Government's proposed spending and tax plans for this financial year, 2024/25, as well as reproducing figures for previous years. Its figures are used for the tables set out below.

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

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

12. The table shows funding figures for both 2024/25 (current year) and 2023/24 in cash terms.

13. Totals are broken down into resource, capital, non-cash, and UK-funded annually managed expenditure (AME in the table).

Table 1: Scottish Budget 2024/25 – Justice, COPFS and Criminal Justice Social Work

Portfolio	Year	Total £m	Resource £m	Capital £m	Non-cash £m	AME £m
Justice	2024-25	3,799.1	3,305.1	308.0	182.9	3.1
	2023-24	3,365.2	2,980.5	213.8	168.4	2.5
COPFS	2024-25	223.0	203.4	9.7	9.9	-
	2023-24	198.7	181.4	8.3	9.0	-
CJSW	2024-25	86.5	86.5	-	-	-
	2023-24	86.5	86.5	-	-	-

14. The non-cash part of the budget is there to comply with accounting rules (e.g. in relation to depreciation of assets) and is not available to organisations as part of the funding they can spend during the year.

15. The Scottish Budget 2024/25 notes that UK-funded annually managed expenditure (AME) covers a “small number of programmes that, whilst they fall within the devolved responsibilities of the Scottish Government, continue to be funded annually by the UK Government on the basis of demand” (p 107 of the Budget).

16. Table 2 below provides more detail on justice funding, setting out figures for individual budget lines in both cash and real terms (using 2024/25 prices).

Table 2: Scottish Budget 2024/25 – Justice

	cash terms		real terms	
	2023-24 £m	2024-25 £m	2023-24 £m	2024-25 £m
Community Justice	46.2	59.9	46.8	59.9
Judiciary	40.8	42.0	41.3	42.0
Criminal Injuries Compensation	15.6	18.6	15.8	18.6
Legal Aid	156.3	156.5	158.3	156.5
Police Central Government	80.4	72.8	81.4	72.8
Safer & Stronger Communities	7.7	6.6	7.8	6.6
Police & Fire Pensions	400.6	590.6	405.6	590.6
Scottish Prison Service	540.7	648.2	547.5	648.2
Miscellaneous	102.9	93.8	104.2	93.8
Scottish Police Authority	1,458.2	1,550.9	1,476.5	1,550.9
Scottish Fire & Rescue Service	364.1	393.4	368.7	393.4
Scottish Courts & Tribunals Service	151.5	165.9	153.0	165.9
Total	3,365.2	3,799.1	3,407.3	3,799.1

17. Table 3 provides figures for the COPFS portfolio and the CJSW grant to local authorities, in both cash and real terms (2024/25 prices).

Table 3: Scottish Budget 2023/24 – COPFS and CJSW

	cash terms		real terms	
	2023-24 £m	2024-25 £m	2023-24 £m	2024-25 £m
COPFS	198.7	223.0	201.2	223.0
CJSW	86.5	86.5	87.6	86.5

18. On 3 September 2024, Cabinet Secretary for Finance and Local Government made a statement to the Scottish Parliament relating to the Scottish Government's [pre-budget fiscal update](#). In it, she stated that:

“given the circumstances, the uncertainty about additional funding and further in-year pressures, I must take further and more urgent action now to ensure that we can balance the Scottish budget in 2024-25”.

19. On the same day, she [sent a letter](#) to the Finance and Public Administration Committee with more detailed information on agreed budget savings of £188.4m for the current financial year. However, the only saving which appears to be directly relevant to the areas of spend covered in this briefing is a sum of £0.1m from the Justice budget, which is described as:

“Savings and uncommitted spend against various grant programme lines in the safer communities budget.”

20. It is not clear yet what impact the UK Government’s autumn budget will have on the current and future criminal justice budget lines in Scotland.

21. What is clear from the above is that the Scottish Government considers that the Scottish budget overall and that for criminal justice is under pressure and that is reflected in the evidence we have taken where numerous organisations have been asked by the Scottish Government to model the impact of two financial scenarios for 2025/26: a flat cash settlement and a budget reduction of 3% in cash terms.

22. At the same time, all the organisations who gave oral evidence to the Committee were looking for an increase in their resource funding and significant investments in capital budgets too. There is clearly a stark gap between what these organisations may have to plan for and what they say they need for 2025/26.

Views expressed to the Committee

Scottish Fire and Rescue Service

23. In the 2024/25 budget settlement, the Scottish Fire and Rescue Service (SFRS) received an increase both in its resource and capital budgets. The resource budget for 2024/25 was £317.6m which was an increase of £13.6m, or 4.5%. Although this increase was welcomed by the Service, the Committee heard that they are still facing significant financial pressures.

24. The written submission from the SFRS comments on the 2024/25 budget settlement. It noted that whilst it received an increase in both its resource and capital budgets savings have still been required:

“While welcomed by the Service, we were still faced with making further savings of approximately £4m in 2024/25 on the resource budget to offset pressures arising from staff pay awards and non-pay inflation. To achieve a balanced budget a range of actions were taken including a delay in bringing new employees into the Service and the introduction of a 10% vacancy factor within support staff functions. In training we decided to reduce the number of training events that required overnight accommodation costs and ran local training events in their place.”

25. It also noted that:

“In July 2024 through the UK wide National Joint Council (NJC) the issue of modernising the structure of retaining fees paid to On Call Firefighters was settled. The new arrangements, while welcomed by SFRS, will add approximately £4m to the cost base of SFRS when they come into full effect. The first payments on these new arrangements will commence in January 2025 adding £900,000 to Service expenditure for 2024/25.”

26. In relation to its capital budget, the written submission from the SFRS commented that:

“The Capital budget for 2024/25 was set at £43m which is an increase of £10.3m or 31.5%. This increase was also welcomed by the Service. However, the Service is facing a capital backlog of some £818m of which £496m is to develop the operational estate up to modern station design standards. Our estimate is that we require a capital budget of approximately £80m per annum sustained for 10 years to deal with our investment backlog challenges. Without this investment that modernisation will be challenging to deliver.”

27. The written submission also highlighted spending pressures going forward, and challenges associated with a lack of long-term financial certainty.

28. In its written submission, the FBU stated that underfunding remains the key issue for SFRS:

“As was highlighted in our 2023 submission to the Criminal Justice Committee, long term underfunding of the Scottish Fire and Rescue Service remains the key issue preventing SFRS from progressing work on firefighters’ exposure to fire contaminants, providing dignified facilities and developing the role of Scottish firefighters. The increase to both resource and capital budgets for SFRS in the 2024/5 Scottish Government budget allowed SFRS to avoid making further cuts this year but was inadequate to allow SFRS to implement the required programme of large-scale and long overdue replacement and upgrading of Scotland’s fire stations.”

29. Against these pressures, the Committee heard that SFRS were required to find £11.06m of in-year savings in order to balance the 2024/25 budget. Those savings were achieved, in part, by temporarily removing 10 second or third appliances from multi pump stations. Colin Brown of the Fire Brigades Union (FBU) told the Committee there is “no road map currently available as to how those vehicles will be brought back into service.” These savings also resulted in a reduction of 166 firefighter posts for which there is also no existing plan to bring those roles back into the Service.

30. Described by Chief Officer Haggart as their “biggest challenge”, SFRS is facing a capital backlog of some £818m, of which £496m is to develop the operational estate up to modern standards. The scale of the backlog, described as “insurmountable” by Chief Officer Haggart, and an outmoded estate means that Scotland will likely be waiting “decades” to have an estate that is “fit for a modern fire and rescue service.” Chief Officer Haggart noted that Scotland faces a “changing risk profile” and that much of SFRS infrastructure was built for risks that existed decades ago.

31. Sarah O’Donnell, Director of Finance and Contractual Services at SFRS, told the Committee that “77% of facilities are not compliant with the suitability standard” in regard to contamination control and the availability of dignified facilities. The consequences of this are significant.

32. The Committee heard about research, funded by the FBU, which it says “has proven, beyond doubt and beyond scientific question, that it is a fact that firefighters are more likely to contract and die from avoidable cancers than the majority of the population.” The harm extends beyond firefighters themselves to their families, including their children. Colin Brown of the FBU noted research it had commissioned found evidence of carcinogenic chemicals from fires in firefighters’ children’s bedrooms.

33. Best practice is that firefighters decontaminate themselves within one hour of attending a fire, with those first on the scene the most at risk of harm. With the existing estate and need for some firefighters to travel long distances to attend fires, this is frequently not possible.

34. Tim Kirk of the Fire and Rescue Services Association (FRSA), noted that “it is not just that we need an extra shower in this station or that station”, but that the Service needs a network of hub decontamination stations across all of Scotland to ensure that every firefighter can attend within the hour to decontaminate. The Committee notes that in addition to decontamination facilities, firefighter behaviour and education in this area is “paramount”.

35. Chief Officer Haggart told the Committee that SFRS “require increased and sustained investment in our capital allocation so we can overcome some of the challenges we have, particularly in relation to our estate.” For instance, fourteen fire stations still have reinforced autoclaved aerated concrete (RAAC). And some stations “do not even have running water”.

36. In April 2024, the SFRS published a three-year delivery plan covering the period 2024-25 to 2026-27. In relation to areas of change, examples included a new command and control communications system. It also highlighted its Strategic Service Review Programme (SSRP), stating:

“We want to do more for our communities – not just by responding to emergency incidents but by stopping them from happening in the first place.

The types of incidents we respond to are changing and different parts of Scotland need different services from us. This means that we need to change how we work too.

Where we do have stations, some are located in areas to support historical risks that are no longer there – such as heavy industry like shipyards or coalmines. At the same time some of our ageing buildings are no longer fit for purpose and require urgent action to make them safer and more suitable.

Through SSRP, we want to address some of these operational challenges we face and free up or redistribute our resources to invest in other areas such as training, innovation and prevention.” (p 8)

37. The Committee also heard evidence on developing the role of fire fighters to respond to a wider range of incidents. In 2022, the SFRS and FBU reached an agreement in principle which would mean, should the Scottish Government provide funding, firefighters would have a contractual obligation to respond to Marauding Terrorist Attacks and other mass-casualty events, as well as rope rescues and water rescues, and other incident types that are slightly beyond their role. It would also mean firefighters would be able to respond to emergency medical response incidents alongside the Scottish Ambulance Service. The Committee heard that the Scottish Government have not yet provided funding to enable this reform to be implemented.

38. In their written submission, the FBU told the Committee: “This is a significant area of concern and the lack of political direction and leadership on this issue creates substantial risk as SFRS undertake their Strategic Service Review Programme.”

39. In her response, the Cabinet Secretary said she recognised the interest within Parliament in the investments needed by SFRS but that “capital remains challenging in essence, because of some of the difficulties with the construction industry and inflation”. She also said that she would like to see more progress being made on expanding the role of firefighters.

Policing

40. Funding arrangements for police services in Scotland changed following police reform in April 2013 and the creation of the single police force. Since then, funding for the single force comes mainly from the Scottish Government via the Scottish Police Authority (SPA).

41. In September 2021, Police Scotland and the Scottish Police Authority (SPA) set out a [5-year financial plan](#) covering the period 2022-23 to 2026-27. This plan set out three high level funding scenarios to provide an illustrative revenue/funding profile over the medium term. Within this, they pointed out that a balanced budget could be sustained assuming the following:

- that Scottish Government funding keeps pace with unavoidable pay pressures, including wage inflation, national insurance increases, staff and pay reward modernisation (SPRM), and lost income;
- the organisation manages the workforce size and mix within current pay budgets; and
- cost pressures beyond Scottish Government funding are met from compensating savings from across the organisation.

42. Police Scotland presented their 2030 Vision and related [Three Year Business Plan](#) as well as their [Estates Master Plan](#) at the SPA Governance Board meeting on 26 September 2024. The Estates Master Plan notes that:

- there is a backlog maintenance bill of £245m;
- capital investment of £500m is required over the next 10 years, resulting in a shortfall of £280m given the current annual spending levels of £22m;
- there are potential capital receipts of £80m over this period; and
- if £200m could be borrowed it could be afforded through reduced annual running costs of the estate.

43. In a written submission, Police Scotland stated that it is “critical” that they move towards new funding arrangements, namely, securing multi-year funding commitments from the Scottish Government, the exercise of statutory borrowing powers and the establishment of a facility to enable the carry forward of financial reserves. This was echoed by the SPA who told the Committee that annual budget setting is a major challenge.

44. The SPA said it would welcome discussions with the Scottish Government about financial flexibilities with the management of capital receipts and exercising the legal power for them to borrow.

45. In a written submission, the SPA said that annual budget setting “fosters a financial environment of uncertainty and short-term decision making” and that they “strongly advocate for a multi-year settlement approach to allow policing to reform and improve more strategically in the years ahead.”

46. In terms of revenue funding, Police Scotland said they needed £59.1m of additional core funding for 2025-26. This figure was supported by the SPA. If the increase in revenue funding is not sufficient, Police Scotland said there would require to be a reduction in police officer and staff numbers in a way that would damage frontline capacity:

- A flat-cash settlement would see police officer numbers reduce to 15,100 / 15,200 by March 2026.
- A 3% cash terms reduction would see police officer numbers drop below 15,000 by March 2026, along with a large-scale staff exit programme with a programme of compulsory staff redundancy across the staff workforce.

47. The SPA said that the budget request for revenue funding was informed by a range of factors to address inflationary pressures that cannot be mitigated by savings and to meet a pay award aligned with the public sector pay strategy. In subsequent correspondence, the SPA has said that:

“Since then, the Chancellor of the Exchequer announced the rate of employer National Insurance will increase by 1.2 percentage points, to 15% from 6 April 2025. In addition, the secondary threshold – the level at which employers become liable to pay national insurance on each employee's salary – will reduce from £9,100 per year to £5,000 per year. This has an inevitable implication on our budget requirement next year and beyond. We have calculated the impact at an additional £25.3 million of revenue requirement next year. This figure assumes a 4.75% pay award for both officers and staff is agreed. The impact will be greater should a higher award be agreed.”

48. Police Scotland also indicated that they require capital funding of £83m to deliver their basic rolling replacement programme, including the replacement of fleet, systems and policing equipment. In the longer term, Police Scotland have indicated that Policing requires around £565m of capital investment over a 5-year period (2024/25 - 2028/29) to deliver “a policing service fit for the 21st century.”

49. The Committee heard that there has been a process of continual repair in the police estate and that Police Scotland are now in a position where they are “repairing the repairs”. James Gray, Chief Financial Officer of Police Scotland,

described the estate as “too big” and “inefficient”. To illustrate, the Committee heard that most of Police Scotland’s buildings have energy performance ratings below an ‘E’ which result in significant utilities costs. By investing in new energy-efficient facilities, Police Scotland estimate that over a 10-year period, they could save £15m of cashable savings per year.

50. The Committee also heard that the prevalence of drug driving has had a considerable impact on toxicology services. The Scottish Government has provided an additional £2.2m to Forensic Services to support increased capacity and they expect to require circa £4-5m in additional revenue funding per year and approximately £10m one-off capital funding which will inform the 2026/27 budget and beyond.
51. Finally, the Committee heard that the financial implications of recently passed and upcoming legislation are significantly higher than Police Scotland are able to absorb in their business-as-usual activity.
52. In her response, the Cabinet Secretary said “that the budget is not done until it is done” and that negotiations were ongoing internally within the Scottish Government on final budget settlements. She stressed that “the front line [of policing] is an absolute priority”. She also said she would be “facilitating on-going discussions about reform, borrowing and flexibility between the SPA, Police Scotland and the Cabinet Secretary [for Finance]”.

Prisons

53. The Scottish Prison Service (SPS) is an Executive Agency of the Scottish Government and was established in 1993.
54. The [Scottish Prison Service Framework](#), published in 2016, sets out how the SPS operates, its relationships with the Scottish Government, and outlines the financial and wider accountabilities of SPS.
55. SPS currently operates 14 prisons and two women’s Community Custody Units (CCUs) directly. One further prison is run by a private sector operator under contract to SPS. HMP Kilmarnock was previously a private prison but came back under SPS control on 17 March 2024.
56. SPS also manage the contract for the Scottish Court Custody and Prisoner Escorting Service on behalf of multi-agency partners. This service is operated by GEOAmey and provides transport to/from courts, to other establishments, and to healthcare appointments for those in custody.
57. SPS published their [Corporate Plan 2023-28](#) in 2023, along with their [Annual Delivery Plan 2023-24](#), the first of five plans which will support the implementation of the Corporate Plan.
58. The resource budget for the Scottish Prison Service (SPS) in 2024-25 is £648.2m (increased from £540.7m in 2023-24). The capital budget for 2024-25 is £167m.

59. In addition to these sums, an in-year funding request for £20.2m in 2024-25 was made by SPS because of the continuing cost pressures (e.g. population costs, inflation and pay awards), as well as additional pressures (e.g. increased costs relating to the operation of HMP Kilmarnock, social care/health costs and legal costs, as well as private contract inflationary increases).
60. Exemplifying the difficulties of annual funding, due to rephasing and reforecasting on major capital programmes, SPS is currently reporting an underspend of £25m which will be returned to the Scottish Government.
61. Teresa Medhurst, Chief Executive of SPS, told the Committee that “A large proportion of our budget is exposed to inflation and to public sector pay policy” and therefore, SPS are “limited in the tools that we have available to address and mitigate cost pressures from new and emerging challenges.”
62. SPS have faced significant operational and budgetary challenges during the past financial year with a prison population rise of around 10%. Scotland has one of the highest incarceration rates in Western Europe. In a written submission, Teresa Medhurst, Chief Executive of SPS, noted the impact of the increase in the prison population. She said:
- “...rehabilitative work is more challenging when prisons are as overcrowded as they have been as we find ourselves increasingly having to divert resource away from activities that support people’s rehabilitative journey to prioritise the basic requirements of operating a prison.”
63. SPS also said that the respite provided by the emergency early release scheme was briefer than they had hoped.
64. In a written submission to the Committee, His Majesty’s Inspectorate of Prisons for Scotland (HMIPS) highlighted deep reservations about the high level of overcrowding, in particular in HMP Barlinnie, which is operating at almost 40% over its design capacity. Highlighting the urgent need for capital investment and the replacement of HMP Barlinnie with HMP Glasgow, HMIPS stated: “The risk of catastrophic failure due to Barlinnie’s antiquated structure and heating systems, and the lack of any viable contingencies is deeply concerning...If one residential block there was to be put out of commission there is no surge capacity elsewhere in the prison estate.” The Committee notes that although the design has been concluded, SPS are still not in contract for HMP Glasgow.
65. Further pressures have been felt in budgets due to the increase in the complexity of the needs of those being held in custody, with the need to manage those with significant health, social care and mental health needs, including those with addictions.
66. Owing to the increasing number of historical sexual offences that are currently being prosecuted, there is an increase in the ageing prison population, who typically have high health and social care needs. The Committee noted the plans

for a dedicated block, specifically designed for high social care needs, in the design of HMP Glasgow, which will replace HMP Barlinnie. The Committee heard that SPS have been exploring a range of options to address the issue of an ageing population, such as a facility that is “more akin to a hospital-type care home facility”. Due to the population increase this year, this work has not been able to continue, however.

67. The ageing prison population is likely to continue to grow, placing pressure on budgets and an existing estate that was not designed to accommodate the population as it is today. Linda Pollock, Deputy Chief Executive at SPS, told the Committee that on a recent visit to Edinburgh staff told her “they feel like carers for some of the folk in our care.” In the past two years, SPS have witnessed a 16% increase in the number of individuals who require social care. The number of those requiring palliative care has also increased, with a number of people choosing to remain in prison rather than be transferred to a hospital or hospice for end-of-life care.
68. These pressures are felt most keenly by staff and by prisoners. Teresa Medhurst, SPS, told the Committee that due to overcrowding: “Staff are being kept continuously busy and are focusing on immediate tasks, as opposed to looking at the broader picture in our prison estate”. SPS are unable to plan or predict where the prison population will increase and staff recruitment is not an immediate process, meaning that it is necessary to place more pressure on existing staff.
69. A further concern is that SPS have lacked the capacity to release staff for training, particularly around progression. The Committee notes the recent Thematic Review on Progression by HMIPS which indicates that “significant improvements are required in individualised case management and in the training and development of staff, if people in prison are to progress to less secure conditions in preparation for release, optimising the benefits of the underused capacity in HMP Castle Huntly.”
70. In a written submission, SPS told the Committee that increased funding is required for both the private prison operator (HMP Addiewell) and the prisoner escort service (GEOAmey) as a result of contractual inflationary increases, demand for additional prisoner places and the impact of higher prisoner volumes. SPS estimate the required funding for this for 2025/26 is an additional £5.1m.
71. In March this year, HMP Kilmarnock returned to the publicly owned estate. The harmonisation process has meant increased staffing costs as staff benefits and terms and conditions are brought in line with the rest of SPS. The Committee notes that £3.1m of additional funding has been requested to cover increased costs. If this cost was not met, Teresa Medhurst told the Committee that it “would not have a detrimental impact on one establishment in particular but would have a detrimental impact across the whole system.”
72. In a written submission, SPS noted the impact of Serious Organised Crime across their estate resulting in “increasing numbers of attempts to introduce illicit

substances and weapons” into the prison estate. The Committee notes the investment in body scanners and other ongoing work to deal with the impact of Serious Organised Crime in Scotland’s prisons. The Committee also notes the calls for further support to SPS in addressing this, particularly the heightened threat of drones which pose an increasing threat to security.

73. In her response, the Cabinet Secretary said she was aware of the ask by SPS for additional in-year funding for 2024/25 and wanted “to understand more about the SPS’s ask, particularly between now and the end of the financial year”. She also confirmed that there were ongoing discussions about the further use of body worn video cameras and drones by SPS.

Community justice and justice social work

74. The Scottish Government published their latest [National Strategy for Community Justice](#) in June 2022, a related [Delivery Plan](#) in June 2023 and a [Community Justice Performance Framework](#) in March 2023.

75. The Scottish Government defines community justice within their National Strategy as follows:

“Community justice is principally about organisations working together to ensure that people who have offended address the underlying causes of their behaviour, and pay back to the community where appropriate. It aims to encourage rehabilitation, reduce reoffending, and protect the public, leading to fewer victims and safer communities.”

76. Community justice involves people at all stages of the criminal justice system. This includes from the point of arrest to someone’s return to the community. It covers those who are subject to diversion and those who are prosecuted, whether they receive community disposals or are subject to custody before being released back into the community.

77. [Community Justice Scotland](#) (CJS) was established by the Community Justice (Scotland) Act 2016 and launched in April 2017. They are the national leadership body for community justice in Scotland. CJS has a statutory duty to promote the National Strategy for Community Justice, advise Scottish Ministers on the best use of community justice resources and to monitor the performance of local authorities in achieving their community justice outcomes.

78. Justice social work is part of local authorities and works in line with the Scottish Government’s National Strategy for Community Justice and Delivery plan. The Scottish Government published a [Justice Social Work in Scotland](#) report in June 2022, which provides an overview of social work services provided in the justice system. This includes:

- assessments and reports to assist decisions on sentencing and Parole Board of Scotland decisions.

- supervision and monitoring of individuals on a range of court and post-release orders and licences.
- bail information and supervision services as an alternative to custodial remand.
- prison-based justice social work services to those serving custodial sentences that involve statutory supervision on release.

79. In a joint submission to the Committee last year, Social Work Scotland (SWS) and COSLA stated that justice social work teams across Scotland are “stretched and facing the consequences of tight budgets that do not meet increasing pressures on service delivery”. Without an increase in funding available to Justice Social Work services in 2024/25, SWS and COSLA stated that there would be an increase in delivering only statutory functions at the expense of more targeted, preventative services. As it stands, community justice receives around 2% of the overall justice budget. Karyn McCluskey of Community Justice Scotland (CJS) said that this is “minuscule compared with the complexity of the people who we are managing.”

80. In their evidence to the Committee, CJS welcomed the additional £14m of funding provided to support community justice services in 2024-25, but noted this is insufficient to even start the shift from custody to community needed in the justice system.

81. In CJS’ view, the current crisis in prisons “is in no small part caused by the consistent underfunding of the community justice system over decades” and it can only be reversed by “a renewed and sustained commitment to and investment in community-based approaches to crime and justice.” Although the increase in funding was welcomed, CJS state that it was “insufficient to even start the systemic shift in the justice system we need if we are to halt the seemingly inexorable slide towards permanent crisis.”

82. The Committee notes the scale of the transformative work that would be required to shift the balance from prison to community justice. Nevertheless, there are relatively small, but impactful changes that can be made in the short term. For instance, CJS told the Committee that embedding addiction workers and Band 6 nurses into community-based justice teams would enable them to provide expert addiction advice for reports, work directly with people involved in the justice system and act as a conduit to wider addiction-based systems, such as access to rehabilitation facilities.

83. Similarly, SWS told the Committee that justice social work would benefit from having additional staffing resource to allow them to have a presence in remand and custody courts. In turn, this would mean that justice social workers could offer support to Sheriffs’ decision making on matters such as bail, justice social work reports, remand and community disposals. SWS noted that this would have “a direct impact on remand numbers and would assist in raising the profile of community sentences which would have a direct impact on the prison population”.

84. Other projects that would benefit from additional investments included the following:

- Investment in forensic mental health services
- Increased funding for Structured Deferred Sentences
- Acceleration of the introduction of GPS and alcohol monitoring bracelets
- Investment to increase local authority capacity to take on more 'Diversion from Prosecution' cases
- Further investment in Community Payback Orders to allow justice social work to commission third sector providers
- Investment in Throughcare in areas not covered by the national throughcare contract.

85. Like several other organisations the Committee heard from as part of its pre-budget scrutiny, both CJS and SWS spoke about the detrimental impact of annual funding, particularly on those working in the third sector. The inability to provide permanent contracts to staff makes recruitment and retention difficult. In practice, when a local authority commissions a third sector service, it can take six months to procure a service and award a contract, leaving only six months for the service to be in operation.

86. Similarly, in a written submission to the Committee, the Criminal Justice Voluntary Sector Forum (CJVSF) echoed this, describing the impact of short-term and insecure funding cycles as: "inherently inhibit[ing] the ability of organisations to continue to deliver "trauma informed", "people centred" services and build the longitudinal relationships, services and partnerships that are referenced in Government strategies."

87. One of the other issues raised by SWS in their submission was the suggestion that all justice social work funding should be consolidated and baselined into the local government settlement, with consideration also being given to including prison-based social work services in the allocation.

88. As with some other bodies, SWS raised the expected costs of recently passed legislation. SWS told the Committee that further implementation of the Bail and Release from Custody (Scotland) Act 2023, as well as any changes to the release arrangements for long-term prisoners, will have implications for justice social work. Similarly, they said that during 2025-26, a new UK-wide public protection system (MAPPS) is being introduced, which will have significant resource implications.

89. In her response, the Cabinet Secretary said that "in the past seven years, community justice funding has increased by £41 million, which equates to 43 per cent." She added that she wanted "to build on the progress that has been made in investment and increasing capacity".

Courts and the prosecution service

90. The two main organisations scrutinised by the Committee in this area are the Crown Office & Procurator Fiscal Service (COPFS), Scotland's public prosecution service and death investigation authority, and the Scottish Courts & Tribunals Service (SCTS), which provides administrative support to courts and tribunals, and to the judiciary.

91. As noted in Table 3 above, the Scottish Budget 2024-25 provided for funding of £223m to COPFS during this financial year. This comprised:

- resource funding – £203.4m
- capital funding – £9.7m
- non-cash – £9.9m.

92. In July 2024, COPFS published its Business Plan for 2024-25. It noted that:

“In challenging economic circumstances, COPFS received an increased budget allocation for 2024-25 to tackle the criminal case backlog in our courts; continue investigating Covid deaths; and meet our statutory obligations and the requirements of demand-led casework. Public sector funding will continue to face challenges in years to come. We must work on the assumption that our current budget and staff resources are unlikely to increase further with public sector organisations expected to deliver improved outcomes with less resource.

It is essential for COPFS to meet expectations from the provision of additional resources and that we deliver, improve and innovate the essential services we provide.”

And that:

Our transformation priorities for this year are embedded and build on the key activities outlined in our Strategic Plan for 2023-27:

- Improve the experiences of women and children within the justice system;
- Improve how we communicate with our customers and partners and the support we offer to the most vulnerable service users;
- Achieve quicker conclusions to criminal and death investigations.

We will deliver these transformation priorities against a backdrop of a challenging public sector funding landscape and from ongoing public sector reform and continuous improvement expectations.”

93. In relation to resources for the future financial year, the Business Plan stated that:

“We will work with Scottish Government to plan resources for 2025-26 and beyond. In 2024-25, we will develop a plan setting out how COPFS will reduce its levels of resource needs as the pandemic recovery work is completed and reflecting casework, reform and transformation efficiencies.”

94. The Scottish Budget 2024-25 provided for funding of £165.9m for the SCTS during the current financial year (2024/25).. This comprised:

- resource funding – £111.7m
- capital funding – £17.6m
- non-cash – £33.9m
- UK funded AME – £2.7m.

95. In addition, SCTS has said that it has received in-year funding over recent years such as the £21.3m for Recover, Renew and Transform projects as well as in-year funding to help maintain capital funds. SCTS also says that there can be in-year funding transfers, for areas that are activity led, such as members’ fees in relation to business across the chambers of the First Tier Tribunal for Scotland and judicial vacancies.

96. Both organisations told the Committee about the current financial challenges they face and their requests for additional funding from the Scottish Government. In terms of resource funding, COPFS said they would need an increase from the current £204m to £220m in the next financial year. COPFS added that it has “committed to delivering over £5m in annual savings through rigorous workforce management and other efficiency measures in our 2025-26 budget plan”.

97. COPFS told the Committee that 2025-26 will be a critical year for the organisation, stating that continued financial support will be required for: improvement of services (e.g. in relation to sexual offences and domestic abuse); pandemic recovery; and reform and modernisation.

98. Some of the current costs pressures they faced were due to the increase in sexual offence and death investigations, and because domestic abuse cases now represented a significant proportion of its work. Additionally, whilst making some inroads, the backlog in cases from the COVID-19 pandemic remained and COPFS said it was in discussions with the Scottish Government about funding needed to tackle the case backlog in time for the ending of extended time limits in November 2025.

99. COPFS also said that the costs associated with some of the recent legislative reforms (including provisions in the Victims, Witnesses, and Justice Reform (Scotland) Bill) “remain unfunded and will be subject to discussion with Scottish Government on resources and implementation planning at the appropriate stage”.

100. In its evidence to the Committee, the Procurators Fiscal Section of the FDA Union acknowledges that COPFS funding had increased in recent years but cautioned against a return to an earlier period during which funding fell in real terms. They also highlighted the increased levels of more serious and complex prosecutions, as well as the additional workload required to deal with the backlog of cases resulting from the pandemic (both prosecutions and death investigations). Similarly, they highlighted the implications for an increase in the work of COPFS staff associated with a range of reports and reforms (e.g. to allow implementation of some of the reforms provided for in the Victims, Witnesses, and Justice Reform (Scotland) Bill).

101. The FDA's submission concluded by stating that "we believe it is necessary to, at least, maintain current levels of staffing in COPFS" or alternatively "a political decision to determine what work is slowed down, shelved or stopped completely".

102. In its evidence, the SCTS highlighted the progress that was being made to tackle the backlog in cases following the COVID-19 pandemic but noted that the level of solemn business has increased significantly. On this basis it stated that:

"the current level of trial courts operating represents the level necessary to ensure that recovery can be maintained and to avoid a sudden and highly negative increase in both outstanding trial levels and associated waiting periods. Projections indicate that an additional trial court may be required in the High Court to achieve recovery by 2026."

103. Overall, SCTS said that, for 2025-26, its "projections indicate that an uplift of £20.8m in baseline revenue funding will be required in 2025-26". They also forecasted that capital expenditure during 2024-25 would be £15m (the Scottish Budget 2024-25 provided for £17.6m of capital funding). For 2025-26, SCTS stated that it seeks to balance capital expenditure "between investment in digital developments, cyber security and maintaining a built environment that is safe, secure and supports effective operations". SCTS indicated that £17m per year would represent a "minimum sustainable baseline for future years".

104. Malcolm Graham of SCTS commented on the challenges of single-year settlements for organisations such as his. He said:

"A huge amount of time and effort is required, including from me, based on the annual process of discussion and negotiation with the Scottish Government, all the people in the SCTS and the other organisations that work to do that planning and manage it. The amount of effort that goes into coming in on budget—in effect, landing about £230 million on the head of a pin for 31 March every year—is disproportionate to the benefits that that brings. That is a requirement of me, as the accountable officer, but if we had multiyear planning, we would have

greater flexibility and would not have to put so much effort into that process, which would, at that point, become more of a false exercise.”

105. Malcom Graham went on to say:

“...if we are going to move to multiyear funding, we need to do it as a whole. We need to be able to take the benefits of multiyear planning into our collaborative work.”

106. John Logue of the Crown Office and Procurator Fiscal Service said:

“If all parts of the justice system were able to plan together on a slightly longer-term basis, with slightly increased certainty and clarity, that would be particularly helpful.”

107. Both COPFS and SCTS highlighted that the investments made in the Summary Case Management (SCM) pilot show that the “potential system improvements and efficiencies of a wider roll-out of SCM (for both SCTS and justice partners) are significant but will need to be developed in partnership”. They noted that planning for a phased roll-out over the coming year is already under way.

108. John Logue of COPFS noted that the number of police witness citations in Dundee as part of the SCM trial had dropped by two thirds, and in Paisley and Hamilton, “the number was very close to going down by half”. Mr Logue said:

“Those are not marginal improvements; they are very significant changes, which demonstrate the real benefits that can be achieved. You can imagine what that would be like for victims, witnesses and the accused. The case is dealt with much more quickly, in some cases within a matter of weeks, rather than taking many months. If we put all that together, we can begin to see a summary court system that is much smaller than the one that we have at the moment.”

109. Both SCTS and COPFS commented on the potential impact of the cost modelling that the Scottish Government had asked them to do (based on either a flat cash settlement or a 3% cash reduction). In their oral evidence, COPFS advised that a consequence of funding being restricted would mean it would take longer to overcome the impact of the pandemic and take longer or prevent the reform they would like to see.

110. SCTS stated that to “provide the same size and shape of service” as has been provided this year will cost an extra £14m. They advised the outcome of a potential flat cash budget would be a reduction in court and tribunal business equivalent to removing 10 solemn courts. With solemn cases increasing this could see waits of more than 3 years for cases to come to court for trial.

111. SCTS concluded by noting that the investment that has been made recently has improved services but warned that reduced funding may lead to some of the benefits which may be achieved through modernisation being lost.

112. In her response, the Cabinet Secretary said has started discussions with various bodies such as SCTS about the funding needed for the further roll out of the Summary Case Management pilot. She also said that her officials would be meeting with COPFS to discuss the funding implications of the recent judicial decision on corroboration. On this she said that “there is no modelling as yet that suggests what scale the impact would be, either for the number of cases or the financial impact.”
113. The Cabinet Secretary also commented on the efforts to reduce court backlogs which she welcomed but noted that “the level of demand that is being experienced by the Scottish Courts and Tribunals Service now and in the future will not return to pre-pandemic levels.”
114. In relation to some of the evidence we heard on the amount of time police officers are spending in court, she said she was “very supportive of the calls that have been made by the chief constable, the SPA and the Scottish Police Federation for reform in that area, which is one that the police and, crucially, the Scottish Courts and Tribunals Service are taking very seriously.” Through the Summary Case Management pilot, she said there had been “a 34 per cent reduction in the first citation of police witnesses and a 25 per cent reduction in the first citation of civilian witnesses in domestic abuse cases in the aggregated pilot courts.”
115. Finally, the Cabinet Secretary told the Committee that single year budget settlements are “somewhat inefficient” and that she is “very supportive of longer-term planning and multiyear budgets”.

Other

116. In its submission to the Committee, the Faculty of Advocates highlighted the disparity in salary between criminal defence solicitors compared to other areas of private practice or the prosecution system. They noted the recent finding that only 8% of criminal defence solicitors are under 30 years of age, whereas 46% are over 50.
117. In their view, whilst “recognising that the public purse is stretched in all directions, we observe that it is nevertheless necessary that the justice system, including the part of the legal profession engaged in criminal defence work, receives proper funding to ensure its effective operation and thus secure the rule of law.”
118. In her response, the Cabinet Secretary said it was “important to recognise that the legal aid budget is demand led and that—unlike elsewhere—we have maintained the scope and resourcing of legal aid.” She added that she recognised “that there are challenges for the profession and, in particular, for criminal defence agents”.

119. The Committee notes that the issues raised by the Faculty included wider issues as well as those relating to legal aid.

Conclusions and recommendations

120. 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 service, prisons, courts and prosecution service, community justice and justice social work services. The evidence we have heard shows that the financial situation they face is very challenging.
121. The Committee has heard evidence from numerous organisations that they have been asked by the Scottish Government to model the impact of two financial scenarios for 2025/26: a flat cash settlement and a budget reduction of 3% in cash terms.
122. At the same time, the same organisations have told the Committee they are looking for increases in their resource funding and significant investments in capital budgets for 2025/26. There is clearly therefore a stark gap between what these organisations say they need for 2025/26 and what they may have to plan for.
123. The Committee is concerned that it heard similar evidence to that raised in last year's budget scrutiny. Last year the Committee stated that it was now time to deliver a revamped and joined-up sector-wide vision for the justice system. This vision has to be one based on wholesale reform over a long period of time, not just for a few years or a single parliamentary term.
124. That said, whilst a range of current reform work is welcomed, such as the pilot of the Summary Case Management system, there are other areas where progress on reform has been too slow. These include the inefficiencies and wasted cost of citing police officers to attend courts, only for them not be called, and the time that the same officers spend on calls with vulnerable people experiencing poor mental health often with complex health or addiction issues because there are challenges with the availability of other services to pass them on to.
125. Similarly, each year the Committee receives evidence from key parts of the system that we need to invest over the longer term in community justice and alternatives to prosecution, alongside custodial sentences. Yet we still see the evidence of the problems caused by rising prison populations and the patchy service of alternative, community-based disposals across the country which the judiciary and the public must have confidence in.
126. The Committee recommends the Scottish Government proactively leads further work to make sustained progress to reduce inefficiencies such as those highlighted above, whilst continuing and, where appropriate, commencing investment in the reforms required for the longer term. Until that is achieved, we fear that the view expressed by Community Justice Scotland that the current funding for such reform will be "insufficient to even start the systemic shift in the justice system we need if we are to halt the seemingly inexorable slide towards permanent crisis" will turn out to be true.

127. The Committee notes the evidence provided by the SPA about the potential impact of the announcement of changes to National Insurance. The Committee recognises that the Cabinet Secretary will be seeking clarification on the impact of these changes on the justice sector more generally. The Committee looks forward to a timely update on the outcome of any discussions.
128. We are concerned at the evidence we heard from bodies such as Police Scotland, Social Work Scotland and the Crown Office and Procurator Fiscal Service that the costs of recently passed legislation have been underestimated and that more budget may need to be available. We note that an example of recently passed legislation is the Children (Care and Justice) (Scotland) Act 2024.
- 129. As with last year, there is a compelling case for additional money to be provided to the criminal justice system and the Scottish Fire and Rescue Service in 2025/26.**
- 130. The Committee did not receive extensive evidence on the question of legal aid funding but notes the importance of this issue in terms of access to justice.**
- 131. We recommend that the Scottish Government explores what progress can be made to move to a system of multi-year funding cycles.**
- 132. Furthermore, we welcome the evidence we have heard about in-year investments by the Scottish Government in various parts of the criminal justice system. However, the Committee believes these payments should be more transparent so that subject committees have the full picture of the funding situation of the organisations they hold to account, not just the sums provided at the start of each financial year.**
- 133. The Committee recommends that financial memorandums provided to Parliament must be as accurate as possible and proposed legislation must be accompanied by appropriate resources.**