

Prisoners (Early Release) (Scotland) Bill

Financial Memorandum

Introduction

1. As required under Rule 9.3.2 of the Parliament's Standing Orders, this Financial Memorandum is published to accompany the Prisoners (Early Release) (Scotland) Bill, introduced in the Scottish Parliament on 18 November 2024.
2. The following other accompanying documents are published separately:
 - Explanatory Notes (SP Bill 53–EN);
 - a Policy Memorandum (SP Bill 53–PM);
 - a Delegated Powers Memorandum (SP Bill 53–DPM);
 - statements on legislative competence made by the Presiding Officer and the Scottish Government (SP Bill 53–LC).
3. This Financial Memorandum has been prepared by the Scottish Government to set out the costs associated with the measures introduced by the Bill. It does not form part of the Bill and has not been endorsed by the Parliament.

Effect and impact of the Bill

4. The Bill makes provision about the point at which prisoners are released from custody. It has provisions that relate to short-term prisoners (those sentenced to fewer than four years in custody) and, separately, long-term prisoners (those sentenced to four years or more). These provisions also impact children who have been sentenced to short periods of detention (less than four years) in secure accommodation.
5. With regard to short-term prisoners, the Bill will change the point at which some prisoners are released unconditionally, from 50% of their sentence served in prison to 40%. This change will not apply to those serving sentences for domestic abuse or sexual offences. Those serving sentences for terrorism offences will also be unaffected by the change, as they are subject to different release arrangements.
6. The change will apply retrospectively, meaning it will apply to those serving a short-term sentence when the legislation comes into force (some of whom will be immediately eligible for release) as well as those sentenced to short-term prison

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sentences in the future. As a result, the Bill will have both an immediate and a sustained impact on the prison population. The Bill makes transitional provision so that those immediately eligible for release will be released in tranches to reduce the operational impact on the Scottish Prison Service (SPS) and other relevant services. The Bill also makes provision for a subordinate legislation-making power to enable the Scottish Ministers to make further changes by regulations to the release point for short-term prisoners, including making different provision for different types of prisoners.

7. With regard to long-term prisoners, and children sentenced to a period of detention of four or more years, the Bill provides a subordinate legislation-making power which enables the Scottish Ministers to change, by regulations, the point at which determinate sentenced prisoners are released on non-parole licence.

Modelling and assumptions made to support cost estimates

8. Modelling has been conducted by the Scottish Government to estimate the potential impacts of the Bill. This modelling focuses on the provisions that relate to changing the release point for some short-term prisoners to 40% of their sentence served. As the Bill does not have equivalent provisions relating to long-term prisoners (only providing that the Scottish Ministers are able to change the point of release by regulations), detailed modelling for this group has not been undertaken.

9. The number of individuals eligible for release when the Bill comes into force will vary depending on the size and make-up of the sentenced population. As it will only be prisoners who have been sentenced (or who have been imprisoned for contempt of court or a fine default under s5 of the Prisoners and Criminal Proceedings (Scotland) Act 1993) who will be released under the measures, remand prisoners, who make up approximately 27% of the prison population, are excluded from the modelling¹. It should be noted that sentenced prisoners who fulfil the eligibility criteria but have further untried remand warrants would not be released from custody. This is because while they will be eligible for release with regard to the sentence they are currently serving, they will require to be remanded in custody awaiting trial for a separate offence as a result of any untried remand warrants. For the purposes of analysis, eligible individuals are considered as those who both meet the eligibility criteria and would be able to be released immediately.

10. In order to estimate the potential percentage reduction in the sentenced prison population resulting from the release of eligible short-term prisoners, sampling of daily prison populations has been undertaken. The number of eligible individuals varies depending on the size and make-up of the sentenced population. The methodology uses a random sample of the entire prison population, taking population data provided by SPS from 30 separate days over a period of approximately 11 months (21 August 2023 to 25 June 2024) to determine information on the eligible group. This time period

¹ The prison population on the morning of Monday 30 September 2024 was 8,272 in custody (6,041 sentenced and 2,231 remanded).

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was used as it is prior to the emergency early release of prisoners undertaken in June and July 2024, which affected a similar group of prisoners. Using data from shortly after that prisoner release would not be representative and would not show the likely effect of the Bill (as a key section of the prison population who would be affected by the Bill would be absent from the data). In addition, this is the only time period for which complete historical data is available from SPS.

11. Using the data provided by SPS, by changing the release point of most short-term prisoners (but as above, excluding those serving sentences for domestic abuse or sexual offences, or those with outstanding warrants) to 40%, there would be a 5.0% mean percentage reduction to the sentenced population, with a 95% confidence interval between 4.9% to 5.2%. Based on the sentenced prison population on 25 June 2024 of 6,035, prior to the emergency early release measures taken, these estimates would have resulted in the release of between 293 and 312 sentenced prisoners. This would have reduced the total prison population from 8,268 to between 7,956 and 7,975 (a 5% mean reduction of 303 prisoners resulting in a total population of 7,965). Note that all of these figures have been rounded.

12. Further work has been conducted to estimate the number of eligible individuals once the effects of the emergency early release have completely dissipated, which is expected to be in January 2025. Prison population modelling considers a range of scenarios to project the future population and is differentiated by assumptions about key factors, particularly the number of remand arrivals and the number of case conclusions, where an individual has served their sentence and is liberated. The range includes a low (high conclusions/low remand) and high (low conclusions/high remand) case scenarios to estimate minimum and maximum values. A central scenario is also included in the modelling. Under this modelling, if the Bill proposals were to be implemented from 1 January 2025, it is estimated the prison population would reduce by between 260 and 390. The actual reduction to the population will depend on the population in the months ahead, which is driven by the flows into and out of prison.

13. Once implemented, it is likely the initial population reduction would be sustained over time, assuming the population composition remains broadly consistent. For the purposes of this analysis, it has been assumed that if a prisoner is excluded from the population, then they would remain out of prison. Therefore, the modelling does not account for potential returns to custody.

14. One-off implementation costs are generated by work or services that are confined to a limited period of time which is either known or can be estimated in advance of the legislative change being made. This includes services provided for a set period of time to individuals who are immediately eligible for release at the time of commencement, where it is expected that after an initial increase in activity, practice will gradually return to previous levels and number of users. Recurring costs are generated by the provision of additional work or services that will continue for an indeterminate period into the future. This includes services in the community that are expected to see a sustained increase in their activity as a result of more individuals using them at any one time due to an earlier release date.

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15. The cost estimates provided should be considered within this context and within the assumptions detailed below.

Extension of automatic early release for short-term prisoners

16. For the purposes of this financial memorandum, the Scottish Government has assumed that implementation costs associated with this provision will fall across 2024-25 and 2025-26, and recurring costs from 2025-26 onwards. However, this timetable for implementation is subject to change depending on the timing of the passage of the Bill and other factors.

Costs on the Scottish Administration

Scottish Prison Service

17. As the organisation responsible for managing Scotland's prison estate, SPS will be central to the work of identifying and releasing eligible prisoners from custody. In addition to the modelling and assumptions, there are also specific assumptions (based on SPS's operational experience) used in determining costs relating to SPS. These are:

- That there will be a short-term increase in workload that will require staff overtime or redeployment. The need for redeployment will depend on staff take-up of overtime.
- That the tasks and actions involved in the pre-release and release process are not changed from current arrangements as a result of the Bill.
- That the change to a 35-hour working week and the working time directive may impact on overtime uptake. Costs arising from this change are not a result of the Bill and will not be included.
- That following the initial release of prisoners, there will be a return to business as usual.
- The initial, short-term impact of this legislative change will primarily be felt at the prisons with the largest number of admissions. These are likely to be HMP Barlinnie, Edinburgh, Perth, Low Moss, Kilmarnock and Grampian.

18. Although a maintained reduction in the prison population will produce some recurring savings to SPS, it is expected that the extent of these savings will be limited to basic provisions such as food and clothing and will be minimal. It is not foreseen that there will be an impact on any staff related costs, as while many areas will see some reduction in prison numbers, this will not result in fewer staff being required but rather allow activities – which have been curtailed as a result of population pressures – to resume. In consideration of this, SPS estimates that the modelled reduction in the prison population could reduce non-pay running costs by £280,000 per year. For social care costs (which, as described below, may result in additional costs to local authorities if relevant individuals leave custody earlier), SPS does not foresee any measurable

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saving as this is a contracted service in which social care is generally provided to multiple prisoners in a prison.

Release process

19. In order to implement the Bill, SPS will be required to identify the prisoners who will be eligible for release and undertake numerous tasks and processes prior to liberation. These are set out below.

20. Prisoners who fulfil the eligibility criteria but have further untried remand warrants are not to be released from custody. Identifying these prisoners and calculating the new release dates of all those who require that the sentences given in the court-issued warrants are manually reviewed verified, and used to calculate the new date of release. A manual process will be required as an update to the Prisoner Records system (“PR2”) will not be available during the initial phase of implementing the legislation. The manual check will entail a full recalculation of the warrant, checking to ensure that no individuals with an offence listed as an exclusion criteria are considered and that Victim Notification Markers are noted. As a high proportion of prisoners in custody have more than one sentence, SPS staff need to examine all warrants to determine each prisoner’s critical dates, such as their earliest date of liberation and sentence expiry date. This requires SPS staff to examine whether sentences are to run concurrently (multiple sentences being served at the same time), partially concurrently, or consecutively (multiple sentences being served one after another) and if they are to be backdated (which may happen to take account of time already spent in custody on remand). This process will also entail updating all relevant documents and processes, communicating the new release date to relevant parties and the new warrant calculation being verified. Warrant calculations can only be undertaken by individuals who have completed the SPS warrant calculation course and have been assessed as proficient in sentence calculation. Due to the complexities involved, manual warrant calculations are undertaken by two qualified staff.

21. SPS anticipates that approximately 2,200 prisoner warrants will need to undergo this manual process as part of any initial release. The work to calculate and verify untried remand warrants will not be distributed uniformly across the prison estate but will instead predominantly fall to the prisons that have the highest number of short-term prisoners and admissions.

22. C band staff members are required to recalculate warrants. The normal hourly rate for a C band member of staff is £24.57. This is based on an annual cost to SPS (including National Insurance costs) of £44,716 and a 35-hour working week. The overtime rate for C band staff is £35.25. It is estimated that it will take 2 hours per warrant calculation. Based on the 2,200 warrants above that would equate to a total of 4,400 hours of required C band staff time. It is estimated that the majority of these hours will be undertaken in normal staff time. In order to provide a range of potential staff costs two scenarios have been considered.

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Scenario 1:

- Minimal estimated use of overtime 280 hours. This would cost £9,870.
- Remaining calculations carried out in normal staff time taking 4,120 hours. This would cost £101,228.
- Providing a total cost of £111,098.

Scenario 2:

- Maximum estimated use of overtime 1,500 hours. This would cost £52,875.
- Remaining calculations carried out in normal staff time taking 2,900 hours. This would cost £71,253.
- Providing a total cost of £124,128.

23. This gives a total range of between £111,098 - £124,128 for warrant recalculation costs.

24. Following the verification of those eligible for release and the sifting out of prisoners with untried warrants, it will be necessary for pre-release planning work to be undertaken for each individual that is to be released. As part of pre-release planning, local SPS teams will conduct a pre-release interview with each individual to gain insight into their community transition needs. In some establishments the team will then complete and submit referrals to relevant support agencies, and in other establishments the information received from the interview will be discussed in a multi-agency pre-release forum. The pre-release team will arrange and facilitate in person, virtual and telephone appointments with a number of partners (including DWP, housing, throughcare mentors) and will support the individual to apply for any relevant welfare grants, to open a bank account, and to ensure all identified needs have been met. In some establishments there are specific pre-release courses to attend which vary in duration. Pre-release teams ensure liberation packs are provided to people on their day of release and liaise with throughcare teams to ensure release day plans are facilitated.

25. D band staff members usually support the pre-release work described above. The normal hourly rate for a D band member of staff is £31.35. This is based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week. The overtime rate for a D band member of staff is £44.72. It is estimated that 3 hours of staff time is required to support one person's release. Therefore, the range of staff hours associated with supporting the initial releases of between 260 – 390 people would be between 780 – 1,170 hours. It is estimated that the majority of these hours will be undertaken in normal staff time. In order to provide a range of potential staff costs four scenarios have been considered as described below.

Scenario 1:

- 260 prisoners released.
- Minimal estimated use of overtime 200 hours. This would cost £8,944.

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- Remaining calculations carried out in normal staff time taking 580 hours. This would cost £18,183.
- This would cost £27,127.

Scenario 2:

- 260 prisoners released.
- Maximum estimated use of overtime 435 hours. This would cost £19,453.
- Remaining calculations carried out in normal staff time taking 345 hours. This would cost £10,816.
- This would cost £30,269.

Scenario 3:

- 390 prisoners released.
- Minimal estimated use of overtime 305 hours. This would cost £13,640.
- Remaining calculations carried out in normal staff time taking 865 hours. This would cost £27,118.
- This would cost £40,758.

Scenario 4:

- 390 prisoners released.
- Maximum estimated use of overtime 655 hours. This would cost £29,292.
- Remaining calculations carried out in normal staff time taking 515 hours. This would cost £16,145.
- This would cost £45,437.

26. This gives a total range of between £27,127 - £45,437 for release planning staff costs.

27. Prisoners who are to be released will also require their liberation grants, travel warrants, discharge grants, and Prisoner Personal Cash (PPC) account to be processed by SPS. This is standard practice for all releases. The administration of these items is estimated to take an hour of work per prisoner in the initial release cohort. Therefore, the range of staff hours associated with supporting the initial releases of between 260 – 390 people would be between 260-390 hours. D band staff members usually carry out this work. The normal hourly rate for a D band member of staff is £31.35. This is based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week. The overtime rate for a D band member of staff is £44.72. In order to provide a range of potential staff costs four scenarios have been considered as described below.

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Scenario 1:

- 260 prisoners released.
- Minimal estimated use of overtime 30 hours. This would cost £1,342.
- Remaining calculations carried out in normal staff time taking 230 hours. This would cost £7,211.
- This would cost £8,553.

Scenario 2:

- 260 prisoners released.
- Maximum estimated use of overtime 200 hours. This would cost £8,944.
- Remaining calculations carried out in normal staff time taking 60 hours. This would cost £1,881.
- This would cost £10,825.

Scenario 3:

- 390 prisoners released.
- Minimal estimated use of overtime 40 hours. This would cost £1,788.
- Remaining calculations carried out in normal staff time taking 350 hours. This would cost £10,973.
- In total this would cost £12,761.

Scenario 4:

- 390 prisoners released.
- Maximum estimated use of overtime 305 hours. This would cost £13,640.
- Remaining calculations carried out in normal staff time taking 85 hours. This would cost £2,665.
- This would cost a total of £16,305.

28. This gives a total range of between £8,553 - £16,305 for supporting PPC work.

29. The act of releasing prisoners on their day of liberation will also require one hour of staff time per individual. This too will be undertaken by D band staff at cost of £8,151 for 260 releases to £12,227 for 390 releases (D band hourly cost of £31.35).

30. In order to ensure the necessary delivery management and the assessment and mitigation of accompanying risks, a dedicated project team will be established within SPS to implement these changes. This team would be responsible for implementing the project plan, managing the immediate release tranches and ensuring operational readiness for the change to sentence calculations. It would exist for a period of 6

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months (from initial planning through to the oversight of release tranches) and be resourced from existing SPS personnel which, although it would likely necessitate the reprioritisation of other work, would mean that there would be no recruitment costs. The team would comprise of 7 staff across a range of bands at a cost for those 6 months of £254,120 (1 x H band at £52,682, 4 x F band at £37,638 each, 1 x C band at £22,356, and 1x D band at £28,530).

31. A Single Point of Contact (SPOC) will be assigned for each prison establishment. Their role will be to coordinate release planning, engage with community service providers and act as the conduit between the aforementioned project team and the establishment's local team. SPOCs will have sufficient authority to ensure the correct level of information access and resource deployment. SPOCs will provide oversight of local planning and processes and will ensure that practices within their own establishment are running in accordance with national policy. SPOCs will oversee the operational roll out of the tranche releases and will highlight any emerging risks or issues to the HQ team. This role will likely be assigned to an existing unit manager, usually an F band staff member, in each of the 16 prisons and require approximately 7 hours of work per week during the likely 10-week operational phase. It is anticipated the total cost for this work will be £46,323 (7 hours x 16 managers x 10 weeks at £41.36 per hour).

32. Cumulatively, the estimated additional cost to SPS relating to the release process is expected to fall between £455,372 to £498,540. This would be a one-off, implementation cost.

Training and guidance

33. Most of the processes associated with the release of prisoners that would be impacted by this Bill are well established within SPS and do not require changes to existing training and guidance. The notable exception is the calculation and verification of existing untried warrants. Changes to the statutory point of release would require that warrant calculation training and guidance materials are updated to reflect these. The cost of revising and using these materials will fall within business as usual practices but is expected to require 525 hours of staff time across a range of bands at a total cost of £21,740 (E band £10,839, F band £6,204, H band £4,697).

IT changes

34. In order to effectively record and store all re-calculated warrants (see paragraph 20), SPS intends to procure a "Service Now" database which will be compatible with the existing PR2 IT system. PR2 is used by SPS to hold prisoner sentence information, support calculation of existing untried remand warrants and trigger Victim Notification Scheme ("VNS") correspondence. The Service Now database will make it possible to highlight changes to individual sentences in real time, thus reducing the risk of making detentions and liberations in error. Although development is at an early stage, SPS is aiming for the database to be completed by the end of December 2024. The anticipated cost for this work is £100,000, which includes £10,000 for consultation to create the

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design specification. The exact cost cannot be determined until the consultation has been concluded.

35. Any changes to the warrant calculation criteria will also mean that the PR2 system needs to be updated. As a result of the age and bespoke nature of PR2, system updates are usually complex and require specialist software engineers and developers to ensure functionality. SPS has a maintenance contract with the specialist software firm that originally created the system.

36. It is not possible to provide an accurate cost estimate for the update of PR2 until the required specification and needs have been confirmed and work has commenced, which cannot be achieved until the Bill is approved by Parliament. This is because the complexity of the update cannot be determined until initial recoding of the warrants calculation system is done and its compatibility with the wider software is understood. As the provisions of the Bill could change as it progresses through Parliament, carrying out this initial work in advance is considered by SPS to be an unjustifiable expense. If there are no compatibility issues, the changes can be made within SPS's existing maintenance contract.

37. However, previous similar updates to the system, including the most recent one in 2017, have typically cost approximately £50,000. Based on these past changes, it is estimated that the cost to change the release point for some short-term prisoners on the system (including creating a different release point for some categories of prisoner based on offence type) would be approximately £40,000 to £60,000.

38. The expected implementation time for these IT updates, from design of specification to testing and acceptance, is estimated to be at minimum 6 months. This will mean that any IT changes are likely to be completed after the initial prisoner releases have taken place.

39. Following completion of the IT update, it will be necessary for warrants to be manually re-inputted to PR2. This is expected to take 15 minutes per warrant, so with approximately 2,000 warrants to be inputted, this will come to an estimated total of 500 hours. This work will be carried out by C band staff with a normal time hourly rate of £24.57 per hour (this is based on an annual cost to SPS (including National Insurance costs) of £44,716 and a 35-hour working week) and an overtime rate of £35.25 per hour. It is estimated that the majority of this work will be undertaken in normal staff time. In order to provide a range of potential staff costs, four scenarios have been considered as described below.

Scenario 1:

- Minimal estimated use of overtime 28 hours. This would cost £987.
- Remaining updates carried out in normal staff time taking 472 hours. This would cost £11,597.
- This would cost a total of £12,584.

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Scenario 2:

- Maximum estimated use of overtime 170 hours. This would cost £5,993.
- Remaining updates carried out in normal staff time taking 330 hours. This would cost £8,108.
- This would cost a total of £14,101.

40. This provides a total range of between £12,584 - £14,101 for PR2 updates. In total, IT related costs are expected to be one-off and amount to £152,584 to £174,101. The lower end of this range reflects the maximum estimated amount of work carried out during normal working hours and the lower estimate for IT systems changes. The high end of this range reflects the maximum estimated use of overtime and the higher estimate for IT systems changes.

Victim Notification Scheme

41. The VNS is a statutory scheme in Scotland. Those who are the victim of an offence for which a prisoner was sentenced to less than 18 months in prison have the right to information about their date of release. Those who are the victim of an offence for which a prisoner was sentenced to 18 months or more in prison have the right to register with the VNS. Under the VNS, a victim has the right to certain information, including the date of release.

42. To ensure the operation of the VNS during the release of the initial cohort of short-term prisoners, SPS intends to recruit a Legal Services Officer to support the work of a wider legal services team. This will be an SPS C band role with an annual cost to SPS (including National Insurance costs) of £44,716. The role and that of the wider team will focus on the VNS for a period of 4 months for the initial prisoner release tranches to assist with the administration and delivery of SPS's role in the VNS, before being redeployed within the team to assist in covering wider tasks within Legal Services. The cost of the three-person team is estimated to amount to £20,775 for this 4-month period (C band £14,905, E band £2,505, and G band £3,365). There will be a recurring annual salary cost of £44,716 from the appointment of the Legal Services Officer.

Scottish Government

Secure accommodation

43. It will be necessary for the Scottish Government's Child Placement Team to review arrangements in place for eligible sentenced children who are in secure accommodation. All children sentenced under section 208 of the Criminal Procedure (Scotland) Act 1995 are released on licence. All children who are sentenced during summary cases under section 44(1) of the Criminal Procedure (Scotland) Act 1995 who are detained in residential accommodation are released under supervision by social work.

44. When a child is sentenced, the Child Placement Team calculates the critical dates associated with the sentence, such as the earliest date of liberation ("EDL") or

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parole qualifying date (“PQD”). These are calculated following procedures set out in the SPS sentence calculation manual and checked by an SPS legal team. The Child Placement Team refers cases to the Parole Board at the appropriate stage of the child’s sentence in order for licence conditions to be determined.

45. On 6 November 2024, there were only 7 sentenced children in Scotland. It is expected that a maximum of 5 children would meet release eligibility requirements, with each of these 5 cases requiring 1 hour of work from a B2 band member of Scottish Government staff and 1 hour from a C1 band member of SG staff. This is estimated to cost £248 (5 x £19.40 per hour + 5 x £30.20 per hour), which will be covered by existing resource allocations.

Social security – devolved benefits

46. Individuals leaving prison early may be eligible to apply for devolved social security payments delivered by Social Security Scotland. These include the Winter Heating Payment and Adult Disability Payment among others, though eligibility criteria vary by benefit. However, it is not possible to estimate the additional costs to Social Security Scotland as data specific to individuals who have been released from prison is not available. It is anticipated that any additional costs would likely result from the additional time that a benefit recipient was in the community rather than prison.

National Health Service

47. It is not expected that there will be any significant additional financial impact on NHS Scotland. NHS Scotland is responsible for healthcare delivery for everyone living in Scotland, including people who live in prison.

48. Subject to receiving adequate notice to make arrangements, prison-based healthcare staff would expedite the usual notification process when a prisoner is returning to the community and liaise with the relevant health board to alert them where an individual had specific healthcare needs to be met upon release. As with anyone living in the community, on release any costs relating to an individual’s care will be met by the NHS Board in which the released person now resides.

49. The only exception identified to the above is the Prison to Rehab pathway, which enables individuals with problem substance use to access residential rehabilitation immediately on release from prison. The budget for the Prison to Rehab scheme for 2023-2024 and 2024-2025 is £850,000 per year. A placement on the programme can cost up to £20,000 per person. In 2023-2024 there were 69 Prison to Rehab referrals, with 64 places being funded by the National Mission, costing £293,711.11. Between 1 April 2024 and 14 October 2024, there have been 34 Prison to Rehab referrals, with 21 places funded to date, costing £180,754.13. Whilst the availability and costs are not expected to be an issue based on existing usage of the programme and remaining budget capacity, this would need to be monitored if there was any change in planned take-up.

Costs on local authorities

50. Costs to individual local authorities resulting from implementation of the Bill will vary depending on where individuals are released to, with certain local authorities more likely to incur costs than others. However, data is not available to support a regional breakdown of estimated costs. Estimates provided in this section do not therefore make a distinction between individual local authorities. To understand the likely impact of the Bill on local authorities, the Scottish Government has engaged with organisations including COSLA, the Association of Local Authority Chief Housing Officers (ALACHO), Social Work Scotland and Community Justice Scotland.

Justice Social Work - Voluntary throughcare

51. Local authority voluntary throughcare services are available to those who are not subject to supervision on release from prison. These services may be requested while in custody or up to a year after release, and last for up to 12 months after they have been requested. Throughcare services are varied but aim to support individuals with their reintegration into the community, helping to reduce the likelihood of reoffending. This can include information and advice and practical and emotional support, including support to access community services.

52. The change to the release point for people serving short-term sentences may impact on demand on local authorities for the delivery of voluntary throughcare support during the initial release period.

53. It is difficult to accurately estimate the direct impact on local authority voluntary throughcare services as a result of this change. Accessing these services is voluntary on the part of the individual leaving custody and it is up to them to request these services. The time someone engages with a service and the support which is provided is dependent on the individual's needs. However, generally the service cannot be accessed for more than 12 months. The content of the services provided will also vary between local authorities. Data on the unit cost of local authority voluntary throughcare is not available.

54. In 2023/24, there were 1,900 voluntary throughcare cases commenced². This was similar to the level in 2022-23 and still slightly lower than in the years before the pandemic. It is difficult to estimate the level of potential increase in cases as a result of the change made by the Bill. On average around 8,521 people leave prison every year following a short-term prison sentence. Therefore, while these figures are not directly comparable (as individuals can request voluntary throughcare for up to 12 months following release), for present purposes it could be estimated that around 22% of those leaving short-term prison sentences access local authority voluntary throughcare services.

² [Justice Social Work Statistics in Scotland: 2023-24 – Part 1, Scottish Government \(Published 24 September 2024\)](#)

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55. Should individuals serving short-term sentences be released earlier than they otherwise would have been as a result of this legislation, the demand for local authority voluntary throughcare services may increase on a recurring basis. Although individuals will be in the community for a longer period of their sentence, this may not result in a longer interaction with through support services as this is dependent on need and generally limited to 12 months. Due to the voluntary nature of accessing throughcare support following release from a short-term prison sentence, it is not possible to accurately estimate any increase in demand.

56. There are no specific unit costs for local authority voluntary throughcare as the service delivered is not uniform but rather reflects the individual request and specific to the needs in each case. Support could range from signposting services to more focussed support. It is therefore very difficult to model or estimate this cost. Local authority supported throughcare activity (whether mandatory or voluntary) is included in the activities funded by the Scottish Government under the annual community justice budget allocation. The decision on what and how much each local authority spends is for the local authority.

Justice Social Work - Children on licence or under supervision

57. As all children are released on licence or under supervision, it is possible that there could be resource implications for local authority social work teams responsible for providing supervision, as these services would be required for a longer proportion of an individual's overall sentence. Given the very low number of sentenced children in Scotland (see paragraph 45), this impact is not expected to be significant.

Housing

58. Implementation of the Bill will result in a temporary increase in the number of individuals released into the community and in need of housing support. Following this initial increase, and as individuals are in receipt of temporary housing for a finite period of time, the demand for housing support is expected to return to its previous levels due to the number of liberations from prison also returning to the same levels as before. However, additional costs will be produced for the period of time in which an increased number of individuals require support. Additional costs relating to housing are likely to come from two parts of the release process: the assessment of housing needs (including homeless applications), and the provision of accommodation advice and support for those accepted for rehousing. In estimating associated costs, the following assumptions are made—

- That there is an intention to engage with every individual prior to release to undertake a housing options discussion.
- That 95% of individuals released will engage with a housing options discussion and 5% of individuals will not engage at any level.
- That 60% of individuals will require some form of support and assistance.
- That 15% of individuals will enter the homelessness system directly at release. All of those entering the homelessness system will require a

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homelessness interview and assessment and a housing support needs assessment. As temporary accommodation facilities are currently at capacity, it is anticipated that new entrants to the homelessness system will be placed in a B&B or hostel, or that others in the system will be reaccommodated.

- That 20% of individuals will not require housing assistance.

59. These figures are based on published data^{3,4} and outcomes from the emergency early release of some short-term prisoners in June and July 2024.

60. Assessing the housing needs for those being released depends on each person's individual circumstances and the information available to housing officers prior to assessment. Based on delivery experience it is assumed that 95% of individuals will engage with a housing options discussion and estimated that this will take approximately 3 hours of staff time per person. For the 15% of individuals expected to enter the homelessness system, a homelessness interview and assessment and a separate housing support needs assessment will be required for each individual, which combined is expected to take approximately 4 hours of staff time. For the 60% of individuals expected to require some form of support and assistance, such as signposting to services, it is anticipated that 1 hour of staff time will be needed per person.

61. Accumulatively, this amounts to 405 hours of work to undertake the needs assessments per 100 individuals. Assuming a housing officer costs £30 per hour (based on a typical salary range of £29,000 to £31,000 per year), this will result in a one-off cost of between £31,590 (260 individuals released) and £47,385 (390 released). It is anticipated that these work-related costs will be due to payments for overtime or additional staffing.

62. For the purpose of estimating the temporary accommodation and support costs for the 15% that require it, it is assumed that:

- Housing benefit will be paid on the whole sum and housing benefit subsidy will only be paid on eligible rent.
- The eligible rent for each claim used here is the Local Housing Allowance (LHA) shared room rate, which is on a weekly basis. The average shared room rate for 2024/25 is £87.37.
- The weekly LHA rate and the cost per room per night are the same (£87.37).
- The local authority will cover the cost of subsidy loss amounting to 10% of eligible rent and 100% of ineligible rent.

63. Using the average shared room rate of £87.37, the cost per week amounts to £611.59. Deducting housing benefit subsidy (90% of a weekly LHA rate of £87.37 = £78.63) amounts to a total cost to the local authority of £532.96 per week, per individual

³ [Scottish Prison Population Statistics 2022-23, National Statistics \(Published 5 December 2023\)](#)

⁴ [Homelessness in Scotland: 2023-24, Scottish Government \(Published 24 September 2024\)](#)

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(or £76.13 per night). Multiplying this cost to the average time spent in temporary accommodation for a single applicant in 2023/2024 (204 days) suggests a total cost of £15,531 per individual.

64. Associated support costs are estimated to be £6,120 per individual, based on an assumption for staffing for 7 hours per week at a rate of £30 per hour for a period of 204 days. Combined with the above temporary accommodation cost, this amounts to £21,651 for each individual that requires temporary accommodation and support. Applying this figure to the anticipated number of releases provides an estimated cost of between £844,389 (15% of 260 requiring support) and £1,266,583 (15% of 390 requiring support).

65. Combining both component housing costs (needs assessments and temporary accommodation and support) produces a total cost estimate of between £875,979 (260 releases) and £1,313,968 (390 releases). This would be a one-off additional cost for the initial release of short-term prisoners. Excluding the initial prisoner release, under the modelling assumptions used and set out above, it is anticipated that the overall number of liberations per year will remain unchanged, along with the average time spent in temporary accommodation (204 days as noted above), meaning that there are not expected to be any significant recurring costs.

Social care

66. Social care supports people of all ages with certain physical, cognitive, or age-related conditions to live independently, be active citizens, participate and contribute to society and maintain their dignity and human rights. For prisoners with care needs, social care is procured from an external care supplier by individual prisons. The cost per hour of providing social care varies depending on the needs of the relevant prisoners and the agreement in place with the care supplier. Costs may be significantly greater in smaller or more remote prisons, where care services are procured on an occasional or ad hoc basis or have to be sourced from the central belt. Based on available data from three prisons, the hourly rate for care in prison is estimated to vary from approximately £22 per hour to £37 per hour. The average cost of social care per prisoner is approximately £52,000 per annum.

67. Given uncertainties and inconsistencies in the way local areas report on their individual social care costs and social care clients, direct comparisons with the cost of care in the community should be treated with caution. For example, local authorities may differ in their accounting practices and in the way expenditure is recorded against service provision. The care needs of prisoners are also likely to differ from the needs of those in the community, which will impact the cost of service provision.

68. In 2022/2023, the total gross expenditure on care at home in Scotland was £1.1bn⁵, for a total of 39 million hours of care provided. As an illustrative estimate, this

⁵ [Scottish local government finance statistics \(SLGFS\) 2022-23, Scottish Government \(Updated 25 June 2024\)](#)

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equates to £28.63 per hour. Based on the available data, this rate sits within the cost range for care provision per hour in prison.

69. As of 7 November 2024, there were 55 prisoners in receipt of social care, the majority of whom (about 90%) are assumed to be long-term prisoners. Whilst it is not possible to determine if any of the initial release cohort are in receipt of social care, it is anticipated that there would be a recurring cost to local authorities for any short-term prisoners who, as a result of being released from custody early, receive their care in the community for an additional period of time. This cost would vary significantly depending on individual care needs. Based on the assumption that 5 short-term prisoners with social care needs would be released annually and receive care in the community for 4 additional months (using an illustrative 3-year sentence scenario), this would result in a recurring annual cost of £86,667 to local authorities (4 months of £52,000 annual cost x 5).

Costs on other bodies, individuals and businesses

Third sector services - Voluntary throughcare

70. There are a variety of third sector organisations that deliver services that offer voluntary support to individuals on release from prison.

71. The Scottish Government issues annual funding to two national third sector voluntary throughcare services at a total of approximately £3.4 million per year (in 2024/25). These services have previously supported approximately 2,000 individuals per year.

72. Individuals can access the third sector throughcare services 12 weeks before their earliest date of liberation. These services provide practical and emotional support to men and women leaving short-term prison sentences and to women leaving a period of remand. That includes support whilst the individual is in custody and up to six months post liberation.

73. The Scottish Government has commissioned a new single national third sector throughcare service which will provide support to men and women leaving custody after a period of remand and those leaving short-term prison sentences. That new service will replace the two current services detailed above and will be in place for 1 April 2025. The intended timescales for the legislation coming into force fall during the transition period from the existing services to the new national service.

74. The retrospective impact of the legislation will mean that some individuals receiving support from the third sector throughcare services will be released earlier than anticipated when they began engaging with the service and will be immediately eligible for release, having now reached their earliest date of liberation. It may also mean that some individuals are engaged with in custody and supported in the community by the existing throughcare service, while others are engaged with in custody by the existing

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throughcare service and supported on release by the new throughcare service, depending on when the release period takes place.

75. Those individuals who had previously opted not to engage with third sector throughcare services and who are eligible to be released under the legislation will be approached with a further offer of support upon release. This may result in a higher uptake of third sector throughcare support than would normally be the case.

76. Given the projected estimates of 260-390 individuals eligible for release under the legislation, the existing third sector throughcare services may see an increase in demand for their community support services during the initial release period.

77. For example, assuming approximately 10% of those released will be women, the following table shows the potential numbers of short-term prisoners that the throughcare service may offer support to based on 100%, 50% or 25% uptake of the lower or higher estimate of those eligible to be released:

Estimate (lower = 260, higher = 390)	Total Number	Men	Women
100% uptake of lower estimate	260	234	26
50% uptake of lower estimate	130	117	13
25% uptake of lower estimate	65	58	7
100% uptake of higher estimate	390	351	39
50% uptake of higher estimate	195	175	20
25% uptake of higher estimate	98	88	10

78. These throughcare services provide practical and emotional support to individuals upon release, linking them to wider services in order to help them resettle in the community and reduce their risk of re-offending. Often this can mean meeting the individual at the prison gate upon liberation and transporting them to pre-arranged appointments or identifying and addressing any immediate needs. The support is tailored to the individual but can involve regular in-person or telephone contact to review progress, work to rebuild family connections and assistance with identifying employment pathways.

79. This means that the throughcare services may be required to bring in additional resources from elsewhere within their organisations in order to allow their throughcare mentors to prioritise providing gate release support to as many individuals as possible. Given these releases will be taking place at a number of different prisons across the country on the same days, and based on potential numbers outlined above, it will involve careful co-ordination in order to ensure every individual who requires gate release support receives it.

80. The additional staff brought in to support the throughcare service would likely be used to maintain community support to individuals already accessing the service,

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assisting with regular check ins and progress reviews and linking to wider services as necessary.

81. Individuals whose cases are being supervised by the existing service on 1 April 2025 will require to be formally transferred to the new service at this point. This may place an additional stretch on the resources of the existing service, given the need for the existing mentor to engage with the mentor from the new service to hand over the case and ensure the individual they are working with is well-supported during this transition and comfortable to take up the offer of support from the new service.

82. All of these factors will place additional pressures on both the existing and new throughcare services given the retrospective application of the legislation during the transition period from the existing services to the new national service. However, due to the individualised nature of the service and the lack of any accurate unit cost data, it has not been possible to estimate likely additional costs.

83. In order to ensure that support is maintained, the Scottish Government will continue to work with the existing national third sector services and the approved national provider, once confirmed, to determine the resource implications for this transitional period.

UK Government - Social Security

84. A high proportion of all prisoners will claim state benefits once they are released, and are more likely to be in severe poverty and reliant on benefits than the general population. As a result, it is likely that any cohort of prisoners who are released early will produce a cost to benefits services for the period between the dates of those prisoners' release, and their initial scheduled release dates.

85. The amount of benefits that will be paid to an individual during the period following release will vary significantly according to their circumstances. For example, a working age prison leaver who will be returning to a household that is already claiming universal credit would be different to someone living alone. It is therefore not possible to give a general estimate of the impact of early releases on welfare spend. As a guide, data on average payments of universal credit by family type for Great Britain is published by the UK Government⁶. As of May 2024, the mean monthly payment for single individuals without children was £700. However, it is not possible to calculate equivalent figures for prison leavers specifically.

Victim Support Organisations

86. Victims of crime have different needs and can respond to the release of prisoners in many different ways. Even if the perpetrator of the crime they were subjected to is not being released, awareness of the release process can result in a need for support. Victim Support Scotland (VSS), the largest Victim Support Organisation ("VSO") in

⁶ [Universal Credit statistics, 29 April 2013 to 11 July 2024, Department for Work & Pensions \(Published 13 August 2024\)](#)

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Scotland, reported that it supported 18,301 individuals in 2023/24⁷, and it is possible that the changes to release points made by the Bill will result in additional demand for support from a range of VSOs in Scotland (for example, seeking information about the changes, or support in connection with a specific individual being released). Prior to the introduction of the Bill, the Scottish Government engaged with a number of VSOs to discuss the likely changes and potential for increased requests for support. However, given the limited data available in relation to the impact of prisoner release on victims, and the many complexities relating to this, it is not possible to accurately determine how VSOs will be financially impacted by these changes at this time.

87. The Scottish Government provides financial assistance to VSOs through a number of different funds, including the Victim Centred Approach Fund (VCAF) and Victim Surcharge Fund (VSF). The Scottish Government has awarded more than £48 million to VSOs over the period 2022-25 via VCAF, for the provision of practical and emotional support to victims, survivors, and witnesses of crime across Scotland. VSOs apply for VSF to provide immediate practical support for victims.

Power to modify timing of automatic early release – short-term prisoners

88. The Scottish Government has no plans to change the release point for short-term prisoners beyond the changes proposed on the face of the Bill. However, any further change to the release point would likely produce cost impacts in similar areas to those detailed above. Variance from these costs would likely be caused by the nature and extent of any change in the release point and the number of prisoners affected, as well as any inflationary changes that may exist.

89. The subordinate legislation-making power could be used in a variety of different ways, and it has not been possible to model all of the potential uses. For that reason, indicative costs and breakdowns have been provided which are based on the change made on the face of the Bill, thus allowing the utilisation of the modelling and information gathered for that purpose. Specifically, summary costs are provided in the table below based on a scenario of a change resulting in 100 short-term prisoners becoming eligible for earlier release. This has been calculated as a proportion of the costs identified above, unless a specific cost is static and not determined by the number of releases. Note that this table provides a summary of potential costs associated with changing the point of short-term prisoner release in future only; for a summary of costs associated with current change to short-term release see the summary of costs section from paragraph 137.

⁷ [Victim Support Scotland Annual Report and Accounts 2023-24, Victim Support Scotland](#)

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Falling on	Item	One-off implementation cost (for 100 releases)	Recurring cost annually
Costs on the Scottish Administration			
Scottish Prison Service	Staff costs relating to the release process, including manual calculation of warrants, pre-release planning and additional administration.	£428,399 to £443,511 for 100 releases	No costs identified
Scottish Prison Service	Updating of warrant calculation training and guidance materials.	£21,740	No costs identified
Scottish Prison Service	IT changes to the Prisoner Records (PR2) system (which are required each time there is a change of release point), updating of "Service Now" database to record re-calculated warrants (£50,000) and for warrants to be manually entered into the updated PR2 system.	£102,584 to £124,101	No costs identified
Scottish Prison Service	Salary costs for a Legal Services team to support operation of the Victim Notification Scheme.	£20,775	No costs identified
Scottish Government	Calculation of critical dates associated with sentenced children.	£248 (based on 5 recalculations)	No costs identified
Scottish Government	Claims for devolved benefits issued by	Any implementation costs would relate to claims made	Any recurring costs would likely result from the additional

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	Social Security Scotland.	from the initial release of prisoners. It has not been possible to estimate these costs.	time that a claimant was in the community rather than prison. It has not been possible to estimate these costs.
National Health Service	Costs relating to the provision of healthcare for individuals once liberated from prison.	No costs identified	No costs identified
Costs on local authorities			
Justice Social Work	Costs relating to the impact of any additional demand for voluntary throughcare support services.	Any implementation costs would relate to additional demand for services from the initial release of prisoners. It has not been possible to estimate these costs.	No costs identified
Justice Social Work – Children on licence or under supervision	Costs on social work services responsible for providing supervision to children released from care.	No costs identified	No costs identified
Housing	Costs relating to the assessment of housing needs and the provision of accommodation advice and support for those accepted for rehousing.	£336,915 for 100 releases	No costs identified
Social care	Transfer of social care provision from prison to the community.	No costs identified	£86,667 (this is an illustrative figure as required data is not available to provide a calculated estimate)

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Costs on other bodies, individuals and businesses			
Third sector services	Costs relating to the impact of any additional demand for voluntary throughcare support services.	Any implementation costs would relate to additional demand for services from the initial release of prisoners. It has not been possible to estimate these costs.	No costs identified
UK Government - Social Security	Payments made in relation to claims for benefits administered by the UK Government, including Universal credit.	Any implementation costs would relate to claims made from the initial release of prisoners. It has not been possible to estimate these costs.	Any recurring costs would likely result from the additional time that a claimant was in the community rather than prison. It has not been possible to estimate these costs.
Victim Support Organisations	Costs relating to the impact of any additional demand for services of VSOs.	It has not been possible to determine how VSOs will be financially impacted by these changes.	It has not been possible to determine how VSOs will be financially impacted by these changes.
Estimated provisions total		£910,661 to £947,290 (depending on conditions listed above, excluding any costs that cannot be estimated).	£86,667 (excluding any costs that cannot be estimated)

Power to modify timing of automatic early release – long-term prisoners

90. The Bill does not alter the release point for long-term prisoners but rather enables the Scottish Ministers to amend it by subordinate legislation. The financial impact of any such amendment would be heavily dependent on the extent of the change and the number of prisoners who would be released as a result (assuming any change was to move the release point earlier). The timing and pace of implementing any change would also be a significant factor, with changes made in a short time period (such as on an emergency basis) likely to cost more than if they were made over a longer timeframe. As no decisions have been made with regard to whether or not this power will be used,

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and if so, what any change would be, it is not possible to estimate the number of prisoners who would be eligible for release if used. The long-term prisoner release consultation that closed in August 2024 highlighted the complex range of issues that need to be considered in implementing any change^{8,9}.

91. As a result of these uncertainties, it is not possible to predict the resulting workloads and costs with the same degree of confidence that has been provided for the proposals relating to short-term prisoners. However, it is assumed that any change would be to an earlier release point for long-term prisoners and that this would apply retrospectively, resulting in both an initial release of prisoners and a longer lasting reduction in the prison population. In order to provide an indicative example of costs, some estimates have been provided based on a scenario of 100 prisoner releases (this is clearly stated where used). Where costs cannot be estimated, information is given to provide context to where additional costs could be generated.

Costs on the Scottish Administration

Scottish Prison Service

92. SPS's underlying assumptions for this provision are the same as those outlined for the release of short-term prisoners. As with a change to the early release of short-term prisoners, the costs for SPS are based on the assumption that there would be a requirement for additional work, costs associated with IT changes, hiring of agency social work staff, and an additional Legal Services Officer.

Release process

93. For the same reasons as for short-term prisoners, if changes were to be made to the release point for long-term prisoners it would be necessary for SPS staff to manually calculate and verify untried warrants for each prisoner in order to determine their eligibility for liberation. The exact number of warrants would vary over time but, for context, based on the current long-term prisoner population it is estimated that approximately 2,471 warrants would require manual review. Assuming it takes 2 hours to calculate and verify each warrant, in this scenario 4,942 hours of work would be required to complete all warrants. Most of this work (3,442 to 4,662 hours) would be undertaken in normal working hours at a cost of £84,570 to £114,545 (C band hourly cost of £24.57, based on an annual cost to SPS (including National Insurance costs) of £44,716 and a 35-hour working week). It is expected the remaining 280 to 1,500 hours would be done through overtime at a cost of £9,870 to £52,875 (C band overtime rate of £35.25 per hour).

94. Each individual being released from prison requires an Integrated Case Management ("ICM") meeting 12 weeks prior to their liberation. Prisoners who are subject to post release statutory supervision, such as long-term prisoners, require an

⁸ [Long-term prisoner release process: consultation, Scottish Government \(Published 8 July 2024\)](#)

⁹ [Long-term prisoner release process: consultation analysis, Scottish Government \(Published 10 October 2024\)](#)

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enhanced ICM, which utilise more time and resource than standard ICM cases. These meetings are used to identify and assess the risks posed by individuals (including the risk of re-offending as well as their risk of harm to themselves or others) and to co-ordinate appropriate interventions and supervision for their release. It is anticipated that, due to the distribution of long-term prisoners across the prison estate, certain prisons could require additional prison-based social work capacity to facilitate the Level of Service/Case Management Inventory (“LS/CMI”) and Risk of Serious Harm (“RoSH”) assessments for the initial release of prisoners following any change. To mitigate this, it is estimated that employing additional agency social work staff for a period of 3 months could cost approximately £30,000 (4 workers over 3 months at a cost of £2,500 per worker per month). For the wider SPS team involved in ICM meetings, it is estimated that the caseload for each individual being released would require 8 hours of work. This would be undertaken primarily through existing contractual working time by a mix of C band and D band staff.

95. Assuming a scenario where a change to the long-term release point results in the release of 100 prisoners, a total of 800 hours of work would therefore be required (8 hours x 100 prisoners). Of these 800 hours, it is estimated that 267 hours would be carried out by C band staff, and 534 hours would be carried out by D band staff.

96. It is estimated that for C band staff, 182 to 253 hours of work would be completed in usual working time at a cost of £4,472 to £6,216 (C band hourly cost of £24.57, based on an annual cost to SPS (including National Insurance costs) of £44,716 and a 35-hour working week). Between 14 and 85 hours would be anticipated for overtime, costing £494 to £2,996 (based on C band overtime rate of £35.25). For D band staff, 234 – 484 hours of work are expected to be undertaken in normal hours at a cost of £7,336 to £15,173 (D band cost of £31.35 per hour, based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week). D band overtime costs would be £2,236 (50 hours x £44.72) to £13,416 (300 hours x overtime costs of £44.72 per hour)

97. Prior to release it is also necessary for SPS to process, record and communicate non-parole licence conditions. It is estimated that this typically takes 2 hours per case, which would result in 200 hours work for a release of 100 prisoners. This would be undertaken by D band staff at a normal hours cost of £1,379 (44 hours at £31.35 per hour, based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week) to £5,580 (178 hours at £31.35 per hour). Related overtime costs are estimated to be £984 (22 hours at £44.72 per hour) to £6,976 (156 hours at £44.72 per hour).

98. Pre-release work, such as conducting pre-release interviews, engagement with community-based partners and providing assistance in applying for welfare support, must also be undertaken. This is estimated to take approximately 3 hours per case (so resulting in 300 hours of work for a release of 100 prisoners) but can be more or less depending on the specific needs and circumstances of each individual. SPS anticipates that 66 to 267 hours of work would be completed by D band staff in normal hours at a cost of £2,069 to £8,370 (hourly cost of £31.35, based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week). Further

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overtime costs of £1,476 to £10,464 would be expected (33 to 234 hours at £44.72 per hour).

99. Administration of liberation grants, travel warrants, discharge grants, and PPC accounts would likely take approximately 1 hour per release (so 100 hours for a release of 100 prisoners). It is estimated that 22 to 89 hours of this work would be undertaken in normal working hours by C band staff, costing £541 to £2,187 (at hourly cost of £24.57, based on an annual cost to SPS (including National Insurance costs) of £44,716 and a 35-hour working week), with overtime costs being £388 to £2,750 (11 to 78 hours at £35.25 per hour). There is therefore a total range of between £2,575 – £3,291.

100. Processing releases on the day of prisoner liberation takes approximately an hour per individual and is expected to cost £3,135 (D band hourly cost of £31.35, based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week) for the release of 100 prisoners.

101. As with plans for the initial release of short-term prisoners in tranches, a dedicated project team would be established to oversee delivery and risk management for the entirety of SPS's release process. It is anticipated that this team would be formed by existing SPS staff and the work of the team with respect to long-term prisoners would likely last for 18 months. This timeline takes into consideration the numerous and complex range of statutory requirements placed on SPS with respect to long-term prisoners. As the lead agency with responsibility for those in custody, SPS is required to commission, facilitate and deliver a number of items through engagement with partner agencies. This can include, for example, production of a parole dossier, a social work Throughcare Assessment for Release on Licence ("TARL") report and Multi-Agency Public Protection Arrangements ("MAPPA") and ICM conference arrangements. It is expected that, due to the resource intensive nature of this work and the need for cross agency working, the 6-month period utilised for short-term prisoners would not be sufficient for long-term prisoners. The 7-person project team would be formed of a range of staff bands and cost £762,394 for its 18-month duration.

102. Based on the assumptions outlined, and the likelihood that use of overtime will not differ significantly from that for short-term prisoner release, it is estimated that the release process will cost between £969,040 and £979,381 per 100 additional prisoner releases. This is heavily caveated by an inability to accurately predict the point of time or directions over what period of time any initial tranche would occur.

MAPPA referrals

103. As the lead responsible authority for prisoners who are subject to or likely to be subject to MAPPA up to the point of liberation, SPS is required to complete and manage MAPPA referrals as part of the pre-release process. Individuals who have been convicted of a sexual offence and are subject to the Sex Offender Notification Requirements ("SONR") on release will automatically require management under MAPPA. Individuals are also included under the MAPPA framework if they are considered as an Other Risk of Serious Harm.

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104. SPS must make a referral to the relevant MAPPA coordinator no later than 12 weeks in advance of the individual's earliest date of liberation. It is estimated that the MAPPA referral process will take 6 hours of work per referral and that approximately 33% of long-term prisoners released will be referred (amounting to approximately 200 hours of work for a release of 100 prisoners). It is estimated that 44 to 178 hours of this work would be undertaken in normal working hours by band D staff, costing £1,379 to £5,580 (at hourly cost of £31.35, based on an annual cost to SPS (including National Insurance costs) of £57,060 and a 35-hour working week), with overtime costs being £984 to £6,976 (22 to 156 hours at £44.72 per hour). There is therefore a total range of between £6,564 - £8,355.

Training and guidance

105. Following any alteration in the release point, warrant calculation training materials would need to be updated to reflect the changes. Updating these materials would fall within business as usual practices, but is expected to require 525 hours of staff time across a range of bands at a total cost of £23,150. As a result of a change to the long-term prisoner release point, SPS expects the need to review associated policies, progression criteria and waiting list for programmes. This would be undertaken over a period of 2 months by 1 G band staff member and 2 F band staff at a cost of £39,898. There is therefore a total estimated cost for updating training and guidance and reviewing existing policy of £63,048.

IT changes

106. As outlined previously, any changes to the warrant calculation criteria requires the PR2 system and database used by SPS to be updated. Due to the age and complexity of this system, and the fact that the extent of the work required cannot be determined without initial inspection and compatibility testing, it is not possible to predict associated costs with certainty. However, for indicative purposes, previous similar updates to the system have typically cost approximately £50,000.

107. The exception to this cost would be if the release point for long-term prisoners was to return to two-thirds of sentence served, as it was prior to the 2016 commencement of the Prisoners (Control of Release) (Scotland) Act 2015. This is because coding for these system conditions already exists and would not need to be redone, meaning the change could be made without additional cost implications.

108. Further updating of the Service Now Database (see paragraph 34) for the purpose of long-term prisoners is expected to cost £50,000, though this will be dependent on an initial consultation process.

Victim Notification Scheme

109. Similarly to the arrangements for the release of short-term prisoners, operation of the VNS will likely require work from the legal services team, though for a period of 12 months rather than 4. The cost of the team for 12 months is estimated to amount to

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£62,379 (C band £44,712 full time, E band £7,515 for 208 hours, and G band £10,152 for 208 hours).

Scottish Government

Electronic monitoring

110. Individuals released on a non-parole licence may be subject to conditions which include curfew requirements which can be monitored by electronic monitoring (“EM”). During the financial year April 23 – March 24 there were 234 release licences issued which had EM as a condition. It is not possible to separate the type of release licence (parole or non-parole) which these conditions applied to, and so no information is available on how frequently EM is a condition of non-parole licences. The associated costs for EM can be broken down as £130 for installation/deinstallation and £5.39 per day for monitoring (based on an average daily caseload of 1,725 individuals). Therefore, a year of EM on average equates to approximately £2,100. If the release point for long-term prisoners were to be brought forward, it would likely result in an increase in the number of individuals being electronically monitored as part of their non-parole licence conditions. This cost would need to be covered by the Scottish Government.

111. As it is not possible to accurately discern the proportion of non-parole licences with an EM condition, an estimate of between 5% and 20% of cases has been used to provide an illustrative figure. For 100 releases, this would produce an additional recurring cost of between £10,500 (5% of cases) and £42,000 (20% of cases) per year.

National Health Service

112. The Management of Offenders etc. (Scotland) Act 2005 places a statutory duty on the Responsible Authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of individuals who are subject to MAPPA. It also provides for agencies which have a duty to co-operate with the Responsible Authorities in relation to the management of those individuals. All individuals subject to MAPPA are risk assessed and managed on a case-by-case basis. Depending on the complexity of each individual’s needs in terms of assessment and management in the community while under the MAPPA framework, a greater need for single and multi-agency specialisms may be required. This may include, for example, forensic mental health services, specific programmes or interventions (which previously could have been obtained in custody), various one-to-one support (directly linked to managing and reducing risk of harm) and intensive support packages.

113. Health Boards allocate funds for MAPPA activities from their own budgets, though this cannot be easily identified nationally as costs for MAPPA activities are not disaggregated. However, if as a result of a change in the long-term prisoner release date individuals subject to MAPPA were to be in the community for longer, it is likely there would be an additional cost impact. This cost, which due to the unavailability of data cannot be quantified, would relate to the additional period for which the individual was in the community instead of prison following an early release.

Costs on local authorities

Justice Social Work

114. Justice Social Work services play an integral role in the supervision of those released from custody on a non-parole licence. Costs associated with supervision in the community vary significantly depending on the Level of Service/Case Management Inventory (LS/CMI) assessed level of risk for each offender.

115. Generally, cases assessed as having higher risk levels require more frequent weekly or monthly contact from qualified social workers, resulting in an increase in the number of worked hours and cumulative costs compared to cases assessed at a lower risk. Where cases are deemed to have a very high risk, supervision requires joint working by two qualified social workers rather than just one, thus increasing costs further.

116. The table below provides a general breakdown of cost estimations associated with each of the LS/CMI assessed risk levels for supervision following release. This assumes the decision on supervision intensity mirrors the assessed LS/CMI risk level. The assumptions used in determining the respective costs are also shown. However, given that the services used differ on a case-by-case basis, there are additional assumptions that have not been included in the estimation of costs. These include digital contact by social workers, cases with multiple or special licence conditions, training, and reimbursement of travel.

LS/CMI assessed risk level	Low or medium risk	High risk	Very high risk
Assumptions	<ul style="list-style-type: none"> • Scheduled contacts • No requirement for Risk Management Plan • General compliance 	<ul style="list-style-type: none"> • Scheduled contacts • Risk Management Plan required • Likely MAPPAs Level 2 • Increasing level of compliance (no warnings issued, etc.) • May require two workers in initial stages of supervision (given uncertainties and that 	<ul style="list-style-type: none"> • Scheduled contacts • Risk Management Plan required • MAPPAs management Level 3 • High likelihood of non-compliance and further harm • Requires two workers

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		primarily only one worker required, this is not costed here)	
Total hours (per annum, inc. supervision and case management)	66 hours	104 hours	174 hours
No. of social workers required	1	1	2
Unit cost (per annum, assuming cost of £29 per hour)	£1,914	£3,016	£10,092

117. The higher the assessed level of risk, the more intense the contact arrangements and management of the person in the community is required to be to address public safety and assist effective reintegration. Recently obtained data on supervision intensity ratings for the period January 2021 to December 2023 shows that 68% of cases were rated low or medium intensity, 28% were rated high intensity and 4% were rated as very high intensity. Using these ratios, it is possible to provide an illustrative estimate of supervision costs. For 100 long-term prisoners for the year following their release, costs for low or medium supervision intensity would amount to £130,152, high supervision intensity would cost £84,448, and very high supervision intensity would cost £40,368. This amounts to a cumulative recurring cost of £254,968 per 100 releases. This cost would be recurring because following any change to the long-term prisoner release point, there would be an ongoing uplift in the caseload for justice social work as more individuals would be serving their sentence in the community and would require supervision for longer.

118. On occasion, Intensive Support Packages (“ISPs”) are required for cases in which the local authority, police and MAPPA group decide that they cannot safely manage a very high-risk individual within their existing resources. In these cases, the individual is usually assessed as a high risk of causing harm and subject to an extended sentence, with a background of violent or sexual offending or a restricted patient. SACRO is the main provider of ISPs, which can vary from the 12-hour weekly support to a 24/7, double staff and monitoring arrangement, normally in residential accommodation. Regular feedback from the ISP provider is sent to a single point of contact responsible for the individual’s case. Where possible, intensity of service will be reduced within 6 months.

119. Local authorities can apply to the Scottish Government for financial support in providing an ISP. The number of applications for this support is low, reflecting the infrequent use of ISPs. In 2023/2024, 7 applications for ISP funding were made at a cost of £384,000 (mean of approximately £55,000). In 2023/2024 this amount was £487,000 for 6 cases (mean of approximately £81,000).

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120. It is not possible to predict if changes to the release point for long-term prisoners will result in greater use of ISPs. However, the above figures provide an indication of a likely “per unit” cost should an ISP be required.

Housing

121. Changes to the long-term prisoner release point will likely impact housing in a similar manner to the release of short-term prisoners, with a rise in the need for support services and temporary accommodation. Using the underlying rates and assumptions laid out in relation to short-term prisoner releases, while recognising the additional conditions related to this provision of the Bill, additional costs can be estimated.

122. For the assessment of housing needs, 405 hours of work undertaken by a housing officer at a cost £30 per hour would amount to £12,150 per 100 individuals released. For temporary accommodation and related costs this would be £324,765 per 100 individuals, for a total one-off cost of £336,915 per 100 liberations. As in relation to short-term prisoners, based on the assumptions used, it is anticipated that the overall number of liberations per year would remain unchanged, along with the average time spent in temporary accommodation (204 days), meaning that there are not expected to be any significant recurring costs.

Social care

123. As covered in relation to the provisions for short-term prisoners, there is a cost to local authorities from individuals released from custody that have social care needs. It is estimated that approximately 0.6% of the current total prison population are long-term prisoners in receipt of social care. Although it has not been possible to determine the average sentence length for individuals with social care needs, based on the available data it is assumed that 1 person would require a transfer of care from prison to the community per 100 releases. This is estimated to be a recurring cost of £52,000 per year (average cost of care per individual in prison), though in practice this would depend on sentence length, as well as other factors.

MAPPA

124. The Management of Offenders etc. (Scotland) Act 2005 places a statutory duty on the Responsible Authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of individuals who are subject to MAPPA. It also provides for agencies which have a duty to co-operate with the Responsible Authorities in relation to the management of those individuals. All individuals subject to MAPPA are risk assessed and managed on a case-by-case basis. Depending on the complexity of each individual’s needs in terms of assessment and management in the community while under the MAPPA framework, a greater need for single and multi-agency specialisms may be required. This may include, for example, forensic mental health services, specific programmes or interventions (which previously could have been obtained in custody), various one-to-one support (directly linked to managing and reducing risk of harm) and intensive support packages.

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125. Local authorities allocate funds for MAPPA activities from their own budgets, though this cannot be easily identified nationally as costs for MAPPA activities are not disaggregated. However, if as a result of a change in the long-term prisoner release date individuals subject to MAPPA were to be in the community for longer, it is likely there would be an additional cost impact. This cost, which due to the unavailability of data cannot be quantified at present, would relate to the additional period for which the individual was in the community instead of prison following an early release.

126. As part of section 27 of the Social Work (Scotland) Act 1968, approximately £1.72 million will be provided from the Scottish Government to local authorities in 2024/2025 to assist with MAPPA coordination activity across Scotland's 10 MAPPA regions. Each MAPPA region will receive between £112,000 and £203,000.

Costs on other bodies, individuals and businesses

Parole Board for Scotland

127. If changes to the point of determinate sentenced long-term prisoner release are made that result in an earlier release date, it is likely there will be additional one-off implementation costs for the Parole Board. Recommendations for non-parole licence conditions are considered at case work meetings. On average, 10 cases are reviewed per case work meeting and these cost approximately £2,000 per meeting, due to membership fees and subsidiary costs. Therefore, for illustrative purposes, a release of 100 eligible prisoners would cost £20,000. It is possible that some cases would be referred from the case work meetings for oral hearing. Oral hearings allow further evidence to be sought from the prisoner, social work or other sources. Should a case be referred for an oral hearing, this could cost an additional £1,000. For cost estimation purposes, the Parole Board assumes that 10% of cases are referred to oral review. This is an overestimate based on historical figures but builds in contingency for a variation of circumstances. Using this measure, a release of 100 eligible prisoners would presume a requirement of 10 oral hearings at a total cost of £10,000.

128. Additionally, the Parole Board will require to provide training to its members to ensure that the new release process and potential consequences are understood. It is estimated that this training could be conducted over half a day, and this would cost £5,000. This cost reflects preparation for the training including any materials, membership fees and other subsidiary costs and is based on previous incidences of similar training.

129. Implementation of an earlier release point would mean that the Parole Board would be likely to require to undertake fewer annual parole reviews for determinate sentence long-term prisoners. This is because some prisoners who may have required a parole consideration would have been released. If more individuals in the community for a longer period of time, subject to licence conditions, resulted in an uptick in recall cases (where there is an identified breach), that would result in an increase in casework costs. Recalls are considered at casework meetings, costing around £200 per case consideration.

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130. Excluding the potential for fewer annual parole reviews and an uptick in recall cases, it is estimated that the total implementation cost to the Parole Board would be £35,000 per 100 liberations.

131. Based on the assumptions and estimates provided by the Parole Board, the principal impact would be in relation to implementation costs. There is not sufficient information available to quantify potential recurring costs at this time.

Police Scotland

132. The Management of Offenders etc. (Scotland) Act 2005 places a statutory duty on the Responsible Authorities in a local authority area to jointly establish arrangements for assessing and managing the risk posed by certain categories of individuals who are subject to MAPPA. It also provides for agencies which have a duty to co-operate with the Responsible Authorities in relation to the management of those individuals. All individuals subject to MAPPA are risk assessed and managed on a case-by-case basis. Depending on the complexity of each individual's needs in terms of assessment and management in the community while under the MAPPA framework, a greater need for single and multi-agency specialisms may be required. This may include, for example, forensic mental health services, specific programmes or interventions (which previously could have been obtained in custody), various one-to-one support (directly linked to managing and reducing risk of harm) and intensive support packages.

133. Police Scotland allocates funds for MAPPA activities from its own budget, though this cannot be easily identified as costs for MAPPA activities are not disaggregated. However, if as a result of a change in the long-term prisoner release date individuals subject to MAPPA were to be in the community for longer, it is likely there would be an additional cost impact. This cost, which due to the unavailability of data cannot be quantified at present, would relate to the additional period for which the individual was in the community instead of prison following an early release.

Scottish Legal Aid Board

134. Assistance by way of representation (ABWOR) legal aid is not available for non-parole licence cases. However, advice and assistance support is available. Advice and assistance costs exclusively in relation to non-parole licence cases are not held by the Scottish Legal Aid Board ("SLAB"). However, for indicative purposes, the average payment made for advice and assistance applications for parole matters in the 12 months to September 2024 was £274.

Victim Support Organisations

135. Changing the point at which long-term prisoners are released is likely to impact VSOs in similar ways as changes to the short-term prisoner release point will. Recognising that the victims of crime can respond to the release of prisoners in many different ways, it is possible that any future changes to release points made under the regulation-making power in the Bill would result in additional demand for support from a range of VSOs in Scotland (for example, seeking information about the changes, or

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support in connection with a specific individual being released). Prior to the introduction of the Bill, the Scottish Government engaged with a number of VSOs to discuss the likely changes and potential for increased requests for support. However, given the limited data available in relation to the impact of prisoner release on victims, and the many complexities relating to this, it is not possible to accurately determine how VSOs would be financially impacted by these changes at this time.

136. The Scottish Government provides financial assistance to VSOs through a number of different funds, including the Victim Centred Approach Fund (VCAF) and Victim Surcharge Fund (VSF). The Scottish Government has awarded more than £48 million to VSOs over the period 2022-25 via VCAF, for the provision of practical and emotional support to victims, survivors, and witnesses of crime across Scotland. VSOs apply for VSF to provide immediate practical support for victims.

Summary of costs

137. The tables below provide a summary of the estimated costs detailed in this Financial Memorandum. Items that are not expected to produce an additional cost are not included in these tables. Where an additional cost could exist but cannot be quantified, this is shown.

Changing the release point for some short-term prisoners			
Falling on	Item	One-off implementation cost (Year 2024/25 and 2025/26)	Recurring cost annually from 2025/2026
Costs on the Scottish Administration			
Scottish Prison Service	Staff costs relating to the release process, including manual calculation of warrants, pre-release planning and additional administration.	£455,372 to £498,540	No costs identified
Scottish Prison Service	Updating of warrant calculation training and guidance materials.	£21,740	No costs identified
Scottish Prison Service	IT changes to the Prisoner Records (PR2) system,	£152,584 to £174,101	No costs identified

	creation of a “Service Now” database to record re-calculated warrants and for warrants to be manually entered into the updated PR2 system.		
Scottish Prison Service	Salary costs for a Legal Services team to support operation of the Victim Notification Scheme.	£20,775	£44,716 (recurring salary cost for Legal Services Officer)
Scottish Government	Calculation of critical dates associated with sentenced children.	£248	No costs identified
Scottish Government	Claims for devolved benefits issued by Social Security Scotland.	Any implementation costs would relate to claims made from the initial release of prisoners. It has not been possible to estimate these costs.	Any recurring costs would likely result from the additional time that a claimant was in the community rather than prison. It has not been possible to estimate these costs.
National Health Service	Costs relating to the provision of healthcare for individuals once liberated from prison.	No costs identified	No costs identified
Costs on local authorities			
Justice Social Work	Costs relating to the impact of any additional demand for voluntary throughcare support services.	Any implementation costs would relate to additional demand for services from the initial release of prisoners. It has not been possible to estimate these costs.	No costs identified

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Justice Social Work – Children on licence or under supervision	Costs on social work services responsible for providing supervision to children released from care.	No costs identified	No costs identified
Housing	Costs relating to the assessment of housing needs and the provision of accommodation advice and support for those accepted for rehousing.	£875,979 to £1,313,968 (depending on the number of releases between 260 and 390).	No costs identified
Social care	Transfer of social care provision from prison to the community.	No costs identified	£86,667
Costs on other bodies, individuals and businesses			
Third sector services	Costs relating to the impact of any additional demand for voluntary throughcare support services.	Any implementation costs would relate to additional demand for services from the initial release of prisoners. It has not been possible to estimate these costs.	No costs identified
UK Government - Social Security	Payments made in relation to claims for benefits administered by the UK Government, including Universal credit.	Any implementation costs would relate to claims made from the initial release of prisoners. It has not been possible to estimate these costs.	Any recurring costs would likely result from the additional time that a claimant was in the community rather than prison. It has not been possible to estimate these costs.
Victim Support Organisations	Costs relating to the impact of any additional demand for services of VSOs.	It has not been possible to determine how VSOs will be financially impacted by these changes.	It has not been possible to determine how VSOs will be financially impacted by these changes.

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Short-term prisoner provisions total		£1,526,698 to £2,029,372 (depending on conditions listed above, excluding any costs that cannot be estimated).	£131,383 (excluding any costs that cannot be estimated)
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Enabling the release point for long-term prisoners to be changed by SSI			
Falling on	Item	One-off implementation cost (based on 100 releases)	Recurring cost annually
Costs on the Scottish Administration			
Scottish Prison Service	Staff costs relating to the release process, including manual calculation of warrants, pre-release planning and additional administration.	£969,040 - £979,381	No costs identified
Scottish Prison Service	Undertaking of MAPPAs referrals process for relevant prisoners.	£6,564 to £8,355	No costs identified
Scottish Prison Service	Updating of warrant calculation training and guidance materials and undertaking of policy reviews.	£63,048	No costs identified
Scottish Prison Service	IT changes to the Prisoner Records (PR2) system and update to Service Now database.	£50,000 for PR2 updates and £50,000 for Service Now database	No costs identified
Scottish Prison Service	Salary costs for a Legal Services team to support operation of the	£62,379	No costs identified

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	Victim Notification Scheme.		
Scottish Government	Costs resulting from the use of EM when used as a condition of an individual's non-parole release licence.	No costs identified	£10,500 to £42,000 (assuming between 5% and 20% of non-parole licences have EM as a condition.
National Health Service	Costs relating to the undertaking of MAPPA activities as a responsible authority for a longer period.	It has not been possible to estimate these costs.	It has not been possible to estimate these costs.
Costs on local authorities			
Justice Social Work	Supervision costs of those released from custody on a non-parole licence.	No costs identified	£254,968 per 100 releases
Housing	Costs relating to the assessment of housing needs and the provision of accommodation advice and support for those accepted for rehousing.	£336,915 per 100 releases	No costs identified
Social care	Transfer of social care provision from prison to the community.	No costs identified	£52,000 (assuming 1 person per 100 releases has social care needs)
MAPPA	Costs relating to the undertaking of MAPPA activities as a responsible authority for a longer period.	It has not been possible to estimate these costs.	It has not been possible to estimate these costs.
Costs on other bodies, individuals and businesses			
Parole Board	Costs relating to case work meetings for the recommendation of non-parole licence conditions, oral	£35,000 per 100 releases	No costs identified

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	reviews and additional training.		
Police Scotland	Costs relating to the undertaking of MAPPA activities as a responsible authority for a longer period.	It has not been possible to estimate these costs.	It has not been possible to estimate these costs.
Scottish Legal Aid Board (SLAB)	Advice and assistance costs for non-parole licence cases.	It is not possible to estimate these costs. However, for indicative purposes, the average payment made for advice and assistance applications for parole matters in the 12 months to September 2024 was £274.	No costs identified
Victim Support Organisations	Costs relating to the impact of any additional demand for services of VSOs.	It has not been possible to determine how VSOs will be financially impacted by these changes.	It has not been possible to determine how VSOs will be financially impacted by these changes.
Long-term prisoner provisions total		£1,573,220 - £1,585,352 (based on a scenario of 100 prisoner releases and excluding any costs that cannot be estimated).	£317,468 to £348,968 (excluding any costs that cannot be estimated)

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Prisoners (Early Release) (Scotland) Bill

Financial Memorandum

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