

# **Criminal Justice Committee**

## **Pre-budget scrutiny 2025-26**

### **Written submission by His Majesty's Inspector of Prisons for Scotland, October 2024**

#### **Financial Challenges and Priorities**

1. I welcome the opportunity to comment in advance of the Scottish Government's draft budget for 2025/26, which I understand will be delivered on 4 December 2024. It remains essential that this budget is one of investment and opportunity for the Criminal Justice Sector as a whole. A more strategic and sustainable approach to funding is required to protect our sector's vital services, and to fully enable the collaborative and transformational changes as set out in the Scottish Government's Vision of Justice, particularly in its aims to reduce reoffending and re-victimisation, supporting rehabilitation and using custody only where there is no alternative.

2. The entrenched challenges facing the sector are well understood by the Committee, and they have been compounded this year by the prison population crisis. Scotland's incarceration rate is one of the highest in Western Europe. Recent Scottish Government modelling indicates that the population could continue to rise, potentially to over 9000 by the end of this year. A sustained reduction in the prison population is urgently required to alleviate some of the pressures on SPS staff and to prevent the unacceptable level of overcrowding that currently blights too many of Scotland's prisons, putting at risk prisoner's safety and human rights. Moreover overcrowded prisons only make the challenge in providing an adequately rehabilitative experience for prisoners even more difficult. The continued actions to respond to the crisis, announced earlier this month, by the Cabinet Secretary for Justice and Home Affairs, are much needed. However, HMIPS remain concerned that they may be insufficient should the pressures indicated at the higher end of the Scottish Government modelling assumptions be realised.

3. This urgent and challenging population crisis further increases the crucial importance of the inspection and monitoring work that HMIPS undertakes. It is in times of increased pressure, such as the current crisis, that proactive external scrutiny in prisons becomes ever more vital to uphold the principles of justice, human rights and to help to ensure accountability.

4. In HMIPS, we continue to face ongoing budgetary challenges which impacts not only on our ability to fulfil our statutory commitments but also on any flexibility to undertake in-depth thematic reviews. We are a small NDPB with only thirteen permanent members of staff tasked with scrutinising the treatment and conditions of over 8,000 prisoners, and 90% of our existing budget is allocated to staff salaries. The remainder of our budget is mainly allocated to travel and subsistence payments for our cohort of over 100 volunteers, the Independent Prison Monitors (IPM). Our volunteer IPMs ensure every prison in Scotland is monitored every week, and their time and commitment, freely given, provides exceptional value for money to the

public purse. I am grateful to each and every one of them. Nevertheless, deep dive inspections, thematic reviews and the management and support of our team of IPM volunteers requires professional staff. We would benefit from additional research and data analysis capability if we are to continue not only to bring important matters to the attention of the Scottish Government and the public through our reports, but to effectively follow up on our recommendations. Moreover we are currently reliant on the willingness of the SPS to fund the secondment of a senior Governor to lead our thematic work when, for greater independent resilience, we should really hold more of that capability ourselves internally.

5. HMIPS understands the extent of the financial challenges faced by the Scottish Government and is working in partnership with them to deliver the wider public bodies efficiencies, improvements and reforms sought. The services that HMIPS provides and the outcomes it supports have been delivered as efficiently as possible. This delivery has only been possible with budget uplifts made to us in-year by the Scottish Government. Going forward we would request a sufficient and sustainable budget allocation at the start of the year to allow us to effectively plan ahead.

6. HMIPS would suggest that Criminal Justice Sector funding in the 2025/26 budget requires a priority focus on actions and measures to (i) maintain the safe custody and humane treatment of prisoners and (ii) rapidly invest in and accelerate the programmes of work underway to reduce the prison population, including increased funding for community justice alternatives to custody. As the Committee will understand, there are numerous strands of work required to reduce the prison population, including strengthening the alternatives to prison sentences and remand, and better tackling the underlying drivers of offending, including mental health and addictions. Each requires sufficient and recurring funding and investment across Justice and Health systems, if we are ever to close the gap between ambition and practice to reverse the rise in the prison population and deliver rehabilitative services to reduce reoffending.

7. One vital element is continued and sufficient capital investment in the prison estate. The replacement of HMP Barlinnie with HMP Glasgow is now even more essential and probably our single biggest concern. The risk of catastrophic failure due to Barlinnie's antiquated structure and heating systems, and the lack of any viable contingencies is deeply concerning, particularly at a time when the prison system as a whole is so overcrowded. We have deep reservations about the very high level of overcrowding in HMP Barlinnie (operating almost 40% over its design capacity). If one residential block there was to be put out of commission there is no surge capacity elsewhere in the prison estate.

8. By far the majority of the Justice budget is committed to operational costs, in particular staffing. It is essential that public sector pay awards and funding recognise the increased demands on the workforce as they deliver in evermore challenging circumstances. Similarly, we need to ensure that sufficient funding is being provided to the SPS to adequately train and develop its staff group to deliver critical initiatives, such as the development of a trauma informed workforce as they deal effectively with a much more complex prison population, and the very challenging behaviours of many of those in their care, afflicted by addiction and mental health issues. Our recently published Thematic Review on Progression [Thematic Review on](#)

[Progression](#), indicates that significant improvements are required in individualised case management and in the training and development of staff, if people in prison are to progress to less secure conditions in preparation for release, optimising the benefits of the underused capacity in HMP Castle Huntly.

9. In addition, our Review of the use of Separation and Reintegration Units (SRU) [Review of the use of Separation and Reintegration Units](#) highlights the challenging characteristics of those people held there and concerns about their treatment and conditions.

10. This review also pointed out the need for more specialist training for SRU staff, and improved therapeutic and mental health support for prisoners held there. As well as improvements to the infrastructure of SRUs and other issues requiring adequate investment. The reintegration to mainstream conditions is made more difficult by factors such as overcrowding. This was also a concern raised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) when they visited Scotland in 2018 and 2019. Our fear is that in SRUs and elsewhere across the prison estate an already stretched service has little capacity to respond beyond the day to day management of prisoners, which risks a 'warehousing' rather than rehabilitative culture and experience for prisoners.

11. I would also highlight the immense and valued delivery contribution provided by third sector partners in the Criminal Justice Sector. A priority must include their requirement for longer-term funding to help them to continue to make enduring impacts. We very much welcome the additional throughcare support that is to come on stream via Community Justice and the Third Sector in due course, but the Committee may wish to review whether that is going to be adequate to achieve consistency and effectiveness of service across the country.

12. There are many challenges in the Criminal Justice Sector that partners in the sector are working to resolve, several of which are persistent and long-term. The prison population challenge with its inherent risks is, however, the immediate crisis. The Criminal Justice Sector Budget for 2025/26 should pivot to rapidly address this and fund solutions on a sustainable and recurring basis.