

Criminal Justice Committee - Pre-Budget Scrutiny 2024-2025 CJVSF response

Introduction

The Criminal Justice Voluntary Sector Forum (CJVSF) is a collaboration of voluntary sector organisations working within justice in Scotland. It is hosted by the Coalition of Care and support Providers in Scotland (CCPS) and is funded by the Scottish Government and membership fees.

This year the Committee has sought views on:

The current and future financial challenges for organisations working or interested in the criminal justice sector and views on the priorities for the next budget settlement.

Our response to this call for views reflects the feedback we have received from our members, all of whom are working with people affected by Scotland's justice system. CJVSF members deliver a wide range of services for individuals and families in prisons and in the community.¹ Members work across a range of policy areas, including youth justice, children and families, community justice, social care, employability, health and housing.

Current and future financial challenges

CJVSF welcomes that the Scottish Government recognises the important role of the third sector in both its justice strategies and in wider policy developments. In March 2024, the update to the community justice strategy delivery plan identified the third sector as a key partner in the achievement of many of the deliverables of the plan.² This plan also stated that:

“The Scottish Government acknowledges the immense, highly skilled and unique contribution made by the community justice workforce to support individuals and families across Scotland. The delivery plan recognises and takes account of the significant pressures faced around increasing workloads, staff shortages, and the more complex needs of those being supported.”

As we noted to the committee last year, years of underfunding have left the third sector in a precarious position. The sector continues to experience significant challenges including those identified above and others:

¹ A full list of organisations that are members of the Forum can be found on the [CJVSF website](#).

² [National strategy for community justice: delivery plan update 2 – March 2024 - gov.scot \(www.gov.scot\)](#)

- **Increasingly complex needs** of the people and families that members work with, due to a lack of available preventative support further upstream and more arriving at services close to (or at) crisis point.
- **Increasing service delivery costs** for all providers; for providers of residential support, increasing costs of utilities, food, and medication are increasing the risk of closures.
- **A lack of fair funding arrangements**, including:
 - **Current and potential further funding cuts** to some services, along with flatline budgets for other services causing further real-time cuts. Some providers are dipping into their reserves to keep vital services afloat - effectively subsidising public services - and this is not sustainable.
 - **Short-term and insecure funding cycles** inherently inhibit the ability of organisations to continue to deliver “trauma informed”, “people centred” services and build the longitudinal relationships, services and partnerships that are referenced in Government strategies.
 - **Poor commissioning practices**, including late receipt of funds or confirmation of contracts – this means that services can lose skilled staff and expertise, struggle to attract skilled staff and have uncertainty in the services and support that they can provide to people.
 - **Monitoring and reporting practice** is increasingly focusing on short term output delivery and short-term outcomes, rather than recognising the longitudinal nature of the changes and outcomes required to address complex societal issues.

These concerns are reflected more broadly across the third sector as well as amongst third sector justice services, as shown by the recent findings from SCVO’s Third Sector Tracker.³ CJVSF also notes broader sector concerns relating to inadequate investment in skilled third sector workforces, such as not-for-profit social care staff – those who work with disabled people, older people, children, families and many others who need support in communities across Scotland. For example, lack of pay parity with public sector equivalents, and the linking of social care base pay rates to the Real Living Wage causing challenges in recruiting and retaining staff.⁴

CJVSF recommendation: That the Committee calls on the Scottish Government to progress third sector “Fairer Funding” actions, including the remaining actions specified in SCVO’s definition of Fair Funding.⁵

Early releases and the uncosted contribution of the third sector

In March 2024, the update to the National Strategy for community justice delivery plan stated that:

“This update covers a period when Scotland’s prison population sits at a consistently high level, necessitating both a short-term response – which primarily sits outwith this plan – and actions in the medium to longer term, many of which are captured here. As

³ [Scottish Third Sector Tracker - SCVO](#)

⁴ [Statement: “With promised £12 per hour base pay no more than the Real Living Wage, social care staff need action now to show they are valued” | Coalition of Care and Support Providers in Scotland](#)

⁵ [Response to Social Justice and Social Security Committee Pre-budget Scrutiny: Third sector funding principles - SCVO](#)

well as the obvious challenges the high prison population presents to the Scottish Prison Service, it is recognised that this can also place new and additional pressures on other partners, the wider justice system, and the delivery of community justice services.”⁶

This statement has particularly come to the fore in the emergency prison release programme of June and July 2024.

The role of the third sector has been critical to supporting individuals and families as people returned to the community. Both CJVSF and its members were involved in the emergency early release programme, either at an operational and/or strategic level. **To date, figures that members have shared suggest around 50% of individuals released under emergency measures received support from CJVSF members or wider third sector partnerships that members are involved with. Third sector organisations did not receive additional emergency funding to carry out this work.**

The ability of third sector (and other) partners to reallocate staffing time and resource to respond to a crisis may be viewed as a success in the short-term. However, CJVSF members were keen to stress that this is not a sustainable solution, and it has significant costs which can be overlooked. CJVSF members are diverse and broad, for example some members are large national organisations, and others are small locally based organisations with one or two staff. Therefore, the impacts of emergency measures on the third sector varied. Some of the challenges for members included:

Quality of services:

- Members emphasised that the short timeframes leading up to the emergency releases also had an impact on the quality of services able to be provided in supporting people impacted. For example, staff not having the time needed to develop positive and trusting relationships in their usual manner prior to release, which can directly impact on a person’s post-prison journey.

Service demand and availability:

- Following the emergency releases in 2020 it was already difficult for the third sector to help to prevent people falling through the gaps. At the timing of the 2024 emergency releases, there was the additional pressures of three years of budget cuts, in real terms. This has affected service availability and levels of staffing.
- Some services were already operating at or beyond capacity and experiencing high demand, which impacted their ability to take on new referrals during the 2024 emergency releases. Some services also opened waiting lists following the Emergency Release period, which have since remained in place.

Workforce:

- Members emphasised that the impact of emergency measures can also be acutely felt by small, localised community organisations providing crucial services

⁶ [National strategy for community justice: delivery plan update 2 – March 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-strategy-for-community-justice-delivery-plan-update-2-march-2024/pages/10-to-14.aspx)

through only one or two paid employees, as the ability to spread an unexpected surge in caseloads across a bigger team does not exist.

- Members have previously expressed concerns about the increasing ‘complexity’ of the referrals that staff are supporting during non-emergency conditions, and the traumatic events their staff are experiencing as they ‘fire-fight’ the challenges and issues that arise during their day-to-day work. Emergency measures, such as early release, may not create the wider ‘fires’ but it turns the heat on support staff up even further.
- During the emergency release programme in 2020, almost all support was being provided virtually, rather than via in person appointments. In 2024, however, there was an expectation that in-person support would be available. This impacted further on staffing capacity as travel time for staff also needed to be accounted for in support arrangements and accompanying people to appointments.
- Whilst support staff may manage last minute arrangements and juggle their other commitments as best they can to ensure that individuals and families are supported during times of crisis, this takes a toll on the worker’s own health, wellbeing, relationships and professional practice. In turn, these pressures contribute to high staff turnover and absence rates, increasing workforce costs and unsustainable services.

Enabling a multi-agency approach to tackling prison overcrowding issues

Prison population statistics and projections indicate that numbers of people in prison have returned to levels seen prior to the 2024 summer emergency release programme and could continue to rise further. Whilst there is uncertainty in these projections, the latest modelling to January 2025 suggests that the average daily prison population could be between 7,750 and 9,250 in January 2025.⁷

On 10th October 2024, the Cabinet Secretary for Justice and Home Affairs made a statement to the Scottish Parliament outlining further steps the Scottish Government intends to take to address the rising prison population.⁸ This included proposing emergency legislation that would change the release point for short term prisoners and give Ministers powers to change the point of release under licence conditions for long-term prisoners serving sentences of four years or more.

When and if the Scottish Government seeks to release pressure on the prison service with these steps and other emergency measures, **it is essential that this pressure is not simply transferred again to third sector community partners without resource. The third sector to date has essentially subsidised these emergency measures for the Scottish Government.** If the number of people coming out of prison at one time increases again, both on a short-term and ongoing basis, this will continue to have ongoing implications for the quality, capacity and the accessibility of both statutory and third sector services. For example, estimates for the current potential changes to prisoner release include the following:

⁷ [Scottish prison population projections: September 2024 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/scottish-prison-population-projections-2024-2025/pages/1-introduction.aspx)

⁸ [Justice Secretary: Statement on Scotland’s prison population - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/justice-secretary-statement-on-scotland-s-prison-population-2024/pages/1-introduction.aspx)

- Changing the release point for short-term prisoners: In the Justice Secretary's statement on 10 October, it was estimated that the new release point, after being implemented, could result in the population being between 260 and 390 lower than it would be without any change.⁹ This is an additional 260-390 people who are likely to need community-based support in the near and immediate future.
- Earlier releases for long-term prisoners:¹⁰ it was estimated that if this policy was brought into force on 31 May 2024, approximately 320 people would be immediately eligible for release, followed by a sustained reduction of around 3.5-4.1% of the prison population.¹¹

It is also essential that timing of any future releases must be managed carefully, considering crucial factors such as the transition to the new throughcare service, lead in time for community partners to build crucial relationships and prepare people for release, holidays and their impact on staffing capacity, and the ability of people to access essential support services, such as drug and addiction services.

CJVSF recommendation: That the Committee calls on the Scottish Government to ensure that all prisoner early release programmes [whether on an emergency, or permanent, basis] are funded to cover the actual additional costs that arise to third sector community partners.

Views on the priorities for the next budget settlement

Implementing alternatives to custody

The 2024/25 Programme for Government identifies that the Scottish Government will:¹²

Continue to progress and deliver actions that support a sustainable reduction in the prison population, aiming to shift the balance between the use of custody and justice in the community.

The Programme for Government specified several actions, including:

- Changing the eligibility criteria for home detention curfew (HDC) and deploying GPS technology for use with HDC.
- Introduction of a Bill proposing changes to the release process for prisoners.
- An independent review of sentencing and penal policy, looking at how both imprisonment and community interventions are used, to reduce reoffending through meaningful rehabilitation and keep our communities safe.
- Strengthening alternatives to remand in collaboration with justice partners, through continued investment for bail services, improving operational processes and exploring options to provide more focused support for people on bail.
- Commissioning a new national partnership of third sector organisations – commencing in April 2025 – which will provide consistent voluntary throughcare support to anyone leaving short-term prison sentences and periods of remand.

Our members have, and will continue, to work with local and national Government partners to develop and implement this work. However, as noted above in the

⁹ [Justice Secretary: Statement on Scotland's prison population - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Justice/Statement-on-Scotland's-prison-population)

¹⁰ [Our proposal - Long-term prisoner release process: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Justice/Our-proposal-Long-term-prisoner-release-process-consultation)

¹¹ [Our proposal - Long-term prisoner release process: consultation - gov.scot \(www.gov.scot\)](https://www.gov.scot/Information/Justice/Our-proposal-Long-term-prisoner-release-process-consultation) at p.54.

¹² [Programme for Government 2024-25: Serving Scotland \(www.gov.scot\)](https://www.gov.scot/Information/Programme-for-Government-2024-25-Serving-Scotland)

discussion on funding arrangements, our members have also identified a continued disconnect between the valuable aspirations articulated in various justice strategies and reforms, and the actual implementation and resourcing required to achieve them.

CJVSF has also already observed a number of key reform programmes that seek to shift the balance between custody and community being paused or stalling due to the prison population increase. For example, the temporary pause of some programme-level work of the *Transformational Change Programme 2: Shifting the balance between custody and justice in the community*. Whilst CJVSF members appreciate that there is an immediate crisis response required, **these prison overcrowding crises will continue to occur if preventative actions and community alternatives to prison are not prioritised in future Budget allocations.**

It is important to emphasise that in the Scottish Government's Vision for Justice 2022, it recognised that the prison population is among the highest per capita in Western Europe, even though over the last 30 years or so recorded crime in Scotland has decreased.¹³ Political will therefore has a significant part to play in making the necessary system transformations.

CJVSF also wishes to highlight to the vast amount of international guidance, good practice and handbooks that exist for implementing non-custodial measures and offering starting points for further discussions with various partners. These include:

- The UN Handbook on strategies to reduce overcrowding in prisons;¹⁴
- The UN Handbook of basic principles and promising practices on Alternatives to Imprisonment;¹⁵
- the United Nations Standard Minimum Rules for Noncustodial Measures (the Tokyo Rules);¹⁶
- The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok rules).¹⁷

Information from the Scottish Government that accompanied new proposed measures to reduce the prison population on 10 October 2024 acknowledged that “*The UN and international NGOs are clear that more community-based disposals should be pursued to reduce prison overcrowding and reoffending.*”¹⁸

CJVSF recommendation: That the Committee calls on the Scottish Government to provide quarterly updates to the Committee on the resourcing, delivery and outcomes of actions specified in the 2024/25 Programme for Government to support a sustainable reduction in the prison population.

¹³ [The Vision for Justice in Scotland 2022 \(www.gov.scot\)](http://www.gov.scot)

¹⁴ [Handbook on strategies to reduce overcrowding in prisons](#)

¹⁵ [https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Handbook of basic principles and promising practices on Alternatives to Imprisonment.pdf](https://www.unodc.org/documents/justice-and-prison-reform/crimeprevention/Handbook_of_basic_principles_and_promising_practices_on_Alternatives_to_Imprisonment.pdf)

¹⁶ [Compendium of United Nations standards and norms in crime prevention and criminal justice](#)

¹⁷ [Bangkok Rules_ENG_22032015.pdf](#)

¹⁸ [Prison population - proposed bill on release point for short term prisoners: information note - gov.scot](#)

Investing in prevention

As the prison population continues to rise, the work to prevent people from entering or re-entering the justice system is as crucial as ever. CJVSF members are supportive of the Government's ambitions to shift the balance between use of custody and the community. To do this, it is essential to prioritise and further invest in the expansion early intervention and prevention work.

There is already a body of data and literature in Scotland (and internationally) that examines why and how children, young people and adults encounter the criminal justice system. These include the *Hard Edges* report,¹⁹ the Expert Group on Preventing Sexual Offending Involving Children and Young People,²⁰ the Edinburgh Study of Youth Transitions and Crime,²¹ and Scotland's Independent Care Review,²² leading to the Promise.²³

Members emphasised the importance of further investment in initiatives that directly address and intervene in the early points of contact children and young people may have with the criminal justice system, given the significant impacts these can have in preventing further criminalisation.

Prevention case study: The Promise Package

The Promise Scotland recognises that for a variety of reasons, care experienced children are disproportionately criminalised. The "Promise Package", developed by Young Scot and the Children and Young People's Centre for Justice, aims to ensure the approach to children and young people in conflict with the law is rights-respecting and that 'offending behaviours' are treated as an indication of the need for support rather than punishment. It includes items and experiences to help young people navigate transitions and other key moments throughout their lives.

Our members also note that, in their experience, effective prevention work to address the underlying causes of crime often requires a foundation of longitudinal relationships, services and partnerships. This also means creating the conditions in funding and partnership arrangements for relationships to thrive, including relationships within families, in communities, between professionals and the people they support, and between professionals across agencies.

CJVSF recommendation: that the Committee calls for the Scottish Government to prioritise investment in early intervention and prevention-based initiatives to address the drivers of crime.

¹⁹ [Hard Edges Scotland full report – Lankelly Chase](#), at p. 18. A standout finding across all six case study areas was the extent to which the criminal justice system was used as the last resort 'safety net' for people facing severe and multiple disadvantage (SMD) whom other services routinely failed to provide with the help they desperately needed.

²⁰ [Executive Summary - Harmful sexual behaviour by children and young people: Expert Group report - gov.scot \(www.gov.scot\)](#)

²¹ [Home - | Edinburgh Study of Youth Transitions and Crime](#)

²² [Independent Care Review – The root and branch review of Scotland's care system.](#)

²³ [The Promise](#)

Enabling system-wide approaches

CJVSF members would like to see the Scottish Government investing more consistently in whole systems approaches, recognising that trends and outcomes in justice contribute to and are affected by a whole range of national outcomes. This includes across justice, health, housing, social care, alcohol and drug use and whole family support funding streams.

CJVSF supports bringing funding streams together within cross portfolio action plans with the aim to support multiple national outcomes, across the same populations.

System-wide case studies

Prison Visitor Centres

In 2016, the Scottish Government allocated £1.8 million over three years to develop new services at prisons that did not have a Prison Visitor Centres and to provide core funding for existing services. Prison Visitors' Centres are independent services provided by non-statutory, not-for-profit organisations independent of the prison they work alongside. They work to improve the visits experience for families, to provide advice, information and support to families, and to voice the needs of families affected by imprisonment to the Prison Service. Currently, the annual funding for prison visitor centres is cross-agency, and includes £250,000 provided by Health, £200,000 provided by Children and Families and £307,000 provided by Justice.

Drug and Alcohol funding for Medication Assisted Treatment (MAT) Standards in prisons

Medication Assisted Treatment (MAT) standards aim to make holistic treatment and support available more quickly for those dealing with problematic drug use, offering more choice and joined-up care with other services. They provide the opportunity to learn from the implementation over the last three years in community services. The commitment from the Scottish Government to implement the MAT Standards in justice settings now also provides the opportunity to ensure cohesion and synergy between prison and community.

It is essential that there is the right scaffolding to support agencies working together and with third sector partners to design, develop and deliver further system-wide arrangements and relationships. Evidence of barriers to this include a variety of factors including funding arrangements, as discussed earlier, but also a lack of meaningful collaboration and good practice in building effective and trusted partnership relationships between third sector, local government and national government.²⁴

At present it is also difficult for stakeholders to assess the adequacy of funding for implementing various initiatives: for example, certain amounts for community justice funding are administered to statutory justice services via Local Authorities, but there is currently no clear way to know where this funding goes and how this links to outcomes

²⁴ [Supporting collaboration between the third and public sectors: evidence review - gov.scot](#)

in the community. This is particularly cogent in relation to the new funding formula that is being developed for community justice funding and ensuring there is transparency for funding which is intended for third sector services.

In our response to the consultation on National Outcomes, members noted that they are keen for there to be indicators which enable the effectiveness of multi-stakeholder developments, including local and national partnerships, to be monitored, reviewed and improved. To close the implementation gap, there must be investigation about what systems changes are needed, and that needs to be a priority national outcome in and of itself.

CJVSF recommendation: That the Committee calls on the Scottish Government to prioritise cross-portfolio funding arrangements that enable whole systems approaches and are clearly linked to national indicators and outcomes.

Valuing lived experience

The Scottish Government's Vision for Justice 2022 commits to four core principles to underpin its work, which includes embedding person-centred and trauma-informed practices, and that achieving this includes "*sharing power with those with lived experience of trauma, including service co-design and active participation and collaboration*".²⁵

Our members have emphasised that for this to occur, there needs to be a consistent understanding of what "person-centred" and "trauma informed" looks like in practice, for example recognising the impact of re-telling a person's story multiple times and for good practice to be adequately enabled and resourced. CJVSF welcomes the investment that has been made in the National Trauma Transformation Programme so that the training resources are available to all organisations.²⁶

Participation is one of the principles of a human rights-based approach, which is about making sure that people's rights are put at the very centre of policies and practices.²⁷ Everyone has the right to participate in decisions which affect them, and this participation must be active, accessible and meaningful. CJVSF notes that in March 2024, the Scottish Government published the *Participating Handbook*, which seeks to provide a guide to good practice in participation work across Scottish Government.²⁸ It acknowledges that in many instances, Scottish Government officials will not deliver participatory work themselves. It states that this is because:

- "*Participatory work requires specific skills and experience that government officials may not have;*

²⁵ [Scottish Government's Vision for Justice 2022](#)

²⁶ [Trauma – national trauma transformation programme | NHS Education for Scotland](#)

²⁷ [Human Rights Based Approach | Scottish Human Rights Commission](#)

²⁸ [Participation handbook - gov.scot](#)

- *good quality participatory work is characterised by a levelling of power dynamics – this is difficult to achieve if government officials with decision-making power and a stake in the outcome are running an engagement;*
- *participatory work tends to require a more substantial amount of time and resources than most government officials will have available to them.”*

The handbook notes that throughout 2024, a Participation Procurement Framework is being set up, to “*provide a quicker and easier route for government officials to commission good-quality participatory work with specialist and experienced organisations, and this guidance supports effective working relationships with these organisations.*”²⁹

Whilst it is welcome to see the use of human rights-based language with regards to participatory work, members have continued to observe a lack of active, accessible and meaningful participation work in policy development. For example, at present there is no lived experience representation on many justice-related Scottish Government working groups.

Members have also noted that people with lived experience need to be adequately supported and compensated for their contribution and time.³⁰ They may also have communication support needs that should be resourced and planned for in co-design or consultation activities. CJVSF notes that there is now Scottish Government guidance for staff who need to make decisions about paying the expenses and compensating people for time involved in research and participatory activity.³¹ However, if these practices are not adequately prioritised or invested in, it is very difficult to design and implement a person-centred justice system.

CJVSF recommends that the Committee calls for the Scottish Government to ensure active, accessible and meaningful engagement of lived experience in policy development and that investment is allocated to support and enable this.

A rights-based approach to Government Budgets

CJVSF has previously advocated a human rights budgeting approach, as detailed by the Scottish Human Rights Commission and further articulated in their submission to the Social Justice and Social Security Committee for their Pre-Budget scrutiny 2024-25.³² Specifically, budget decisions should reflect human rights standards and the process of formulating, approving, executing, and auditing the budget should reflect and embed human rights principles.

CJVSF appreciates that there is some analysis carried out via the *Equality and Fairer Scotland Budget Statements* and this work has in the past been supported by the

²⁹ [Participation handbook - gov.scot](https://www.gov.scot/publications/participation-handbook/pages/introduction.aspx)

³⁰ See for example guidance from [Next Chapter Scotland](#) on valuing Lived Experience.

³¹ [Supporting documents - Research - paying participant expenses and compensating for time: guidance - gov.scot](#)

³² [social-security-pbs-final-version.pdf \(scottishhumanrights.com\)](https://www.scottishhumanrights.com/social-security-pbs-final-version.pdf)

Equality and Human Rights Budget Advisory Group.³³ CJVSF would welcome updates on the progression and implementation of this work.

CJVSF also notes the delay to the Human Rights Bill for Scotland which intended to directly incorporate four United Nations Human Rights treaties into Scots Law, including legislation that enhances economic, social and cultural rights, human rights for women, disabled people and minority ethnic communities. Given the delay to this Bill, it is particularly essential that the Scottish Government strengthens a human rights-based approach to budgeting, including in considering any retrogressive budgetary decisions such as cuts to key services such as housing, addictions, and health. As noted above, outcomes in justice contribute to and are affected by a whole range of national outcomes.

Members emphasised that failures to protect, respect and fulfil social and economic rights, such the right to housing and insufficient housing provision, have direct impacts on the current pressures in the criminal justice system, especially the prison population. Cuts to one area of the Budget then are ultimately felt and carried elsewhere. These are financially problematic at a national level, but most importantly the costs are felt by individuals, families and communities.

CJVSF Recommendation: That the Committee calls on the Scottish Government to use a strengthened human rights budgeting approach as articulated by the Scottish Human Rights Commission, including carefully assessing the wider impacts of retrogressive budgetary decisions.

³³ [Equality and Human Rights Budget Advisory Group - gov.scot \(www.gov.scot\)](http://www.gov.scot)