

T: 0300 244 4000
E: scottish.ministers@gov.scot

David Linden MSP
Convener
Criminal Justice Committee
By Email:
criminaljustice.committee@parliament.scot

28 September 2026

Criminal Justice: Scottish Government Priorities – Follow Up

Dear David,

Thank you for the opportunity to provide evidence to the Committee on 2 September, and to set out this Government's priorities for the justice portfolio as we work to build on the significant achievements to date as well as address the challenges the system faces.

There were some specific areas for follow up that I undertook at that session, please see the information provided below in response to these commitments.

Homelessness Teams and Throughcare Support

Members sought details on any joint work undertaken with local authority homelessness teams, SOLACE, and the Scottish Prison Service (SPS) to ensure released individuals (specifically via programmes like Sacro's Upside) receive timely housing support.

The Scottish Prison Service (SPS) developed the Sustainable Housing On Release for Everyone (SHORE) Standards in partnership with national housing organisations, local authorities and third sector partners. The Standards were published in December 2017 and endorsed by Scottish Ministers. SOLACE co-chaired the Housing and Prisons Network with SPS and supported the launch of SHORE.

To support implementation, SPS worked with Community Justice Scotland and local authorities to establish a national information-sharing agreement, enabling all 32 local authorities to receive weekly information on individuals entering custody and those due for release within 12 weeks. This supports tenancy sustainment and release planning, including access to suitable accommodation. COSLA endorsed the SHORE Standards and committed to promoting implementation locally.

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In 2019, the Scottish Government established a SHORE Steering Group comprising SPS, COSLA, ALACHO, SOLACE, Community Justice Scotland and other partners. This evolved into the SHORE Strategic Oversight Group in 2023, with expanded local authority and sector representation. This group refreshed the SHORE Standards in November 2024 to reflect legislative and policy developments.

Continuing pressure on housing means that a high proportion of individuals are asked to report to the homelessness office on the day of release which can reduce the likelihood of successful outcomes in the community.

SPS engages regularly with the national voluntary throughcare service Upside through regular operational and strategic meetings. Housing and homelessness have been recurring themes across these forums and have been the specific focus of Strategic Action Group discussions on two recent occasions. SPS has also provided awareness sessions for Upside prison based and community workers on SHORE and suggested management information to record housing outcomes.

SPS is also working with local authorities to strengthen housing support for people leaving custody and to re-establish a meaningful local authority presence within establishments. Having housing services accessible within establishments helps people address their housing needs earlier in their sentence, reducing the risk of homelessness on release and supporting more effective resettlement into the community. The long-term objective remains the establishment of a prison-based housing options service in every prison in Scotland.

The prevention duties in the Housing (Scotland) Act 2025, once implemented, will strengthen these arrangements by placing a duty on a range of relevant bodies, including within the justice system, to ask about someone's housing situation and act to prevent homelessness. The 2025 Act will also require local authorities to act sooner (6 months before instead of 2 months before), when an individual is at risk of homelessness. The measures shift the focus from crisis management to proactive early intervention.

These measures reflect the preventative approach promoted by the Christie Commission and the Scottish Government's Public Service Reform Strategy, supporting earlier intervention, stronger partnership working and better outcomes for people at risk of homelessness.

Throughcare services play an important role in linking individuals to housing support before and after release. Programmes such as Upside, the national voluntary throughcare service, provide targeted support to people leaving prison who are at risk of homelessness or housing instability. Upside workers engage with individuals prior to release and continue support in the community, working closely with SPS, local authority housing services, homelessness teams and other agencies to address barriers to securing and sustaining accommodation. This approach complements the SHORE standards by providing personalised support and helping to maintain engagement with housing services at a time when many individuals are particularly vulnerable.

The collaborative approach between SPS, local authorities, SOLACE partners, justice services and third sector organisations reflects a shared commitment to homelessness prevention, recognising that stable housing is a key foundation for successful reintegration and reduced reoffending.

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Early Release and Voluntary Throughcare

Members enquired as to the proportion of short-term prisoners released early who actively engage with voluntary throughcare services.

Of the 238 individuals released through the early release process in May and June 2026 (i.e. the release of prisoners following the change to the automatic early release point for certain short-term prisoners to 30% of sentence served), 109 (46%) engaged with the national voluntary throughcare service delivered by Upside. This figure provides a partial indication of engagement with voluntary throughcare. While Upside is the national voluntary throughcare provider, the service is not commissioned or funded to provide support to every person leaving a short sentence. Individuals leaving custody often access support through a variety of routes, depending on their needs and circumstances. In addition to Upside, voluntary throughcare support is available through local authority Justice Social Work services and a range of third sector organisations, although engagement with these services was not recorded centrally.

Engagement with throughcare should also be considered in the context that participation is voluntary. The proportion of individuals who have engaged with Upside should not be interpreted as the proportion who received support following release. Some individuals will have accessed support through the other services mentioned above, some may have declined support and others may choose to engage with services at a later stage after returning to the community. Where individuals did not engage with throughcare services directly, this should not necessarily be taken as an indication that they received no support. The reported engagement figures should therefore be viewed within the context of this broader landscape of support available to people leaving custody.

Temporary Modular Accommodation

Members sought information clarification on the SPS business cases received, including proposed locations, costings, and total capacity figures for modular accommodation.

The Scottish Prison Service (SPS) is exploring a number of options to increase the capacity of the prison estate, including modular accommodation. SPS is engaging with industry experts and other jurisdictions to understand the products available in the marketplace and the optimum approach. The accommodation under consideration would comprise modern, purpose built, single prison rooms with en-suite shower facilities. SPS has commissioned desktop studies to test site feasibility within the existing HMP Castle Huntly estate, and is in the early stages of the procurement process. An Expression of Interest was issued on Public Contracts Scotland on 11 September 2026 seeking a framework supplier for modular accommodation. Costs will depend on the outcome of procurement and the extent of site-specific enabling works, including foundations, drainage, utilities and electricity-supply requirements.

Deportation of Foreign-born Prisoners

Members sought an update on scheduled discussions with Home Office ministers regarding foreign-born prisoner removal processes.

The Scottish Government recognises the importance of effective arrangements for the removal of foreign national offenders and continues to engage with the UK Government on matters relating to immigration and deportation, which are reserved to the UK Government.

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Following my commitment to raise this issue with the UK Government, Scottish Government officials engaged with Home Office counterparts in advance of the upcoming Interministerial Group on Safety, Security and Migration. The Scottish Government has sought discussion of foreign national offenders and related information-sharing arrangements through those engagements.

Officials have sought to improve understanding of existing arrangements relating to foreign national offenders held in Scotland's prisons, including opportunities to improve access to information on immigration status and to strengthen joint working between the Scottish Government, the Scottish Prison Service and the Home Office.

Through these discussions, the Home Office have advised that detailed consideration of operational matters would be most appropriately progressed through official-level engagement. Scottish Government and Home Office officials are therefore continuing discussions on information-sharing and data arrangements to strengthen the evidence base on the immigration status of foreign national offenders in Scotland's prisons.

In parallel, officials are working to understand emerging cross-Whitehall activity on foreign national offender deportations and the potential implications for Scotland's prison estate. I am being kept informed of progress and will continue to engage with UK Government counterparts, as appropriate, on issues relating to foreign national offenders and the operation of Scotland's prisons.

Scottish Police Authority (SPA) Oversight

Members enquired on key outcomes from your upcoming meeting with the SPA chair regarding the HMICS review of police conduct and discipline.

At my meeting with the SPA Chair, I raised the findings of HMICS' Assurance Review of Conduct and Discipline and sought reassurance that the issues identified were being addressed. The SPA advised that it is using the findings of the report, alongside engagement with stakeholders and analysis of available data, to inform improvement activity. The Authority acknowledged the need for continued focus on areas highlighted within the report, including vetting, conduct and organisational culture.

The SPA outlined ongoing consideration of current conduct and misconduct processes, including whether there are opportunities within the existing regulatory framework to improve efficiency and reduce delays in investigations. The Authority also recognised the importance of effective communication and engagement on conduct matters, while noting the constraints imposed by confidentiality requirements.

I emphasised my expectation that officers and staff at all levels uphold the highest standards of behaviour and conduct, consistent with the Nolan Principles of Public Life and made clear the importance of maintaining public confidence through robust and transparent arrangements for addressing conduct and complaints.

I will continue to engage regularly with the SPA and Police Scotland on progress against areas identified for improvement.

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Recorded Crime and Knife Crime Data

Members sought further information on recent statistical trends on recorded knife crime and youth-involved weapon offences.

The long term trend in Scotland in terms of the consequences of weapon possession, remains very positive. Emergency hospital admissions due to assault with a sharp object fell 73% between 2008/09 and 2024/25 (including an 83% reduction for those aged under 18, to a record low). The corresponding figures for 2025/26 will be published on 27th October this year.

Sharp instrument related homicides are also significantly lower over a similar period (with 39% fewer cases during latest 5 years compared to 2005/06 - 2009/10). Figures for 2025/26 will also be published on 27th October. In addition, the proportion of adults in Scotland who thought knife carrying was common in their local area fell from 22% in 2008/09 to 14% by 2024/25.

However, the total number of weapon-possession crimes recorded by the police has steadily grown since 2017/18 (the earliest point this can be measured on a consistent basis) – up 58% to 12,202 by 2025/26. Of the additional 4,469 weapon crimes recorded in 2025/26 compared to 2017/18 – less than a quarter (23% or 1,010) are cases involving bladed/pointed articles, which we use as a good ‘proxy’ for knives. This demonstrates that most of the headline growth is coming from other weapon types.

The data on bladed/pointed article possession crimes can also be split into whether they were used to commit a further crime against a person. Most incidents do not involve further use (often being discovered through Stop and Search or investigation of other crimes). The number of these cases has remained very stable over the last eight years (ranging from around 2,500 to 2,800 annually, including 2,639 by 2025/26).

For those crimes that did involve use of a bladed/pointed article against another person, levels were stable over 2018/19 to 2022/23, but then grew 20% (or 398 cases) from 1,956 in 2022/23 to 2,354 by 2025/26.

While it is not possible to know what specific crime a person has committed with the article, earlier research conducted in 2017 on equivalent cases found the most common act was to threaten someone, with 70% of incidents involving no contact between the weapon and the victim ([Recorded crime in Scotland: handling offensive weapons - gov.scot](https://www.gov.scot/publications/recorded-crime-in-scotland-handling-offensive-weapons/pages/1-to-4.aspx)). It is unlikely that the relationship has fundamentally changed, especially in light of the substantial improvements in hospital admissions data noted above.

The Committee may also wish to note we are currently working on a refresh of the Monitoring Framework for the Violence Prevention Strategy, which is due to be published before the end of the year. This will include new trend analysis on recorded non-sexual violent crime and weapon-possession related offences, with breakdowns provided by perpetrator age.

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The Committee will be aware that Scotland's children's hearings system plays a significant role in our wider Whole System Approach (WSA) to youth justice – that system considers whether compulsory legal measures are required to keep a child, and/or others, safe. Information from the Scottish Children's Reporter Administration (SCRA) shows an overall reduction in the number of children referred to the Principal Reporter on the ground that the child has committed an offence in 2025/26 as opposed to 2022/23, as well as a reduction in the number of children referred for non-sexual crimes of violence and offences involving a bladed weapon.

Number of children referred on offence grounds (15.2% reduction since 2022):
2025/26 - 2236. 2022/23 - 2637

Non-sexual crimes of violence reported by police (6.2% reduction since 2022):
2025/26 - 3,082. 2022/23 - 3,285

Number of children referred to SCRA on offence grounds, recorded as involving a knife or bladed weapon (26.2% reduction since 2022):
2025/26 - 214. 2022/23 - 290

Youth Justice Procedures

Members sought further detail on the criteria and processes for routing 16- and 17-year-olds through the Children's Hearings System versus the criminal courts.

For a small percentage of children, the frequency and severity of their harmful or offending behaviour cause significant concern and bring serious consequences. The Scottish Government and partner agencies across sectors and professions have worked hard to prevent children coming into conflict with the law, and to promote effective policies encouraging prevention and diversion, since the introduction of the WSA in 2011.

Over the last 15 years, WSA has delivered significant reductions in children referred to the Principal Reporter on offence grounds, in the number of children and young people prosecuted in Scotland's courts and in 16 and 17-year-olds being sentenced to custody.

The age of criminal responsibility is now 12 years – children over that age can be subject to prosecution or to compulsory measures through offence referrals to the Principal Reporter. Younger children under 12 who commit harmful acts - that would otherwise have been 'offences' but for their age - can still receive supervision and support. These younger children are usually referred to the Principal Reporter on the grounds mentioned in section 67(n) or (m) of the Children's Hearings (Scotland) Act 2011. These respectively provide that "the child's conduct has had, or is likely to have, a serious adverse effect on the health, safety or development of the child or another person" and "the child is beyond the control of a relevant person". If it appears to the Principal Reporter that the child might be in need of protection, guidance, treatment or control, they will investigate the case, consider the application of the ground(s) of referral, and if so, decide if compulsory measures of supervision are required. A children's hearing will then be convened to consider such measures.

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Currently the children's hearings system may consider cases relating to children aged up to 16, as well as those relating to 16 and 17-year olds who are already subject to a Compulsory Supervision Order (CSO) or an open referral to the Principal Reporter. 16 and 17 year olds accused of an offence who do not have existing involvement with the children's hearings system will be prosecuted in the criminal justice system, should COPFS consider this in the public interest.

Provisions of the Children (Care and Justice) (Scotland) Act 2024, once fully commenced in mid-2027, will ensure that the children's hearings system can consider the cases of all 16-17 year olds.

This will ensure that, where appropriate, any child aged under 18 can benefit from the support and protection of that system, and its individualised assessment of their needs, risks and circumstances.

The Committee queried the current criteria and processes for deciding whether a child who is alleged to have committed an offence will be routed through the children's hearings system or the criminal courts. We note that the police will jointly report certain cases involving children aged between 12 and 18 to the Principal Reporter and the Lord Advocate. The Lord Advocate retains the discretion to decide whether to prosecute in all such cases.

The circumstances in which cases involving children aged 12-17 must be jointly reported by the police to the Principal Reporter and COPFS are set out in the [Lord Advocate's Guidelines](#) on Offences Committed by Children. These include:

- Offences which require by law to be prosecuted on indictment or which are so serious as normally to give rise to solemn proceedings on the instructions of the Lord Advocate in the public interest.
- Offences alleged to have been committed by children aged 15 years or over which in the event of conviction oblige or permit a court to order disqualification from driving.
- Offences alleged to have been committed by people who are aged 16 or 17, and who are classified as children by section 199 of the Children's Hearings (Scotland) Act 2011 (unless the offence falls within the Framework on the use of Police Direct Measures and Early and Effective Intervention for 16 and 17 year olds).

The matters that are to be considered in jointly reported cases are set out in a detailed decision-making agreement between COPFS and SCRA. It was last updated in 2023 and is publicly available - [Decision making in cases of child accused | COPFS](#).

Where a child under 18 is prosecuted, then they may be sentenced to a period of detention. Reforms introduced by the 2024 Act mentioned above mean under 18s can no longer be placed in prisons or young offenders' institutions if a period of detention is required. Where a child requires to be deprived of their liberty, the usual place of detention is secure accommodation. If their sentence extends beyond their reaching the age of 18, currently they will transfer to a custodial setting (in practice, a young offenders' institution) on their 18th birthday. Ministers intend to bring forward future regulations to allow for young people, if they are already in secure accommodation, to remain there until the age of 19 in exceptional circumstances.

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We note that where cases are jointly referred to COPFS and the Principal Reporter and are then remitted to the Principal Reporter, or where cases are only considered by the Principal Reporter as they do not reach the threshold for joint reporting to COPFS, there is clear provision, where required, for the children's hearings system to depart from a paramount focus on the referred child's welfare. This happens in individual cases when a decision needs to be made for the purpose of protecting members of the public from serious harm. It is not the case that no public protection action can be taken by the children's hearings system and that children (over the age of 12 and under 18 years) 'get away' with offending behaviour. Significant action, including measures resulting in the restriction or deprivation of a child's liberty (e.g. to impose a movement restriction condition or to authorise the child's placement in secure accommodation) can be taken by a children's hearing.

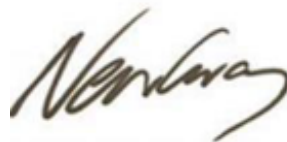
While the focus is on harm prevention and addressing needs, there is a balance to be struck between supporting the child who has offended (in an age and stage-appropriate way) while ensuring that communities and victims feel safe and supported.

The overarching aims are to improve public safety by building safer communities; to protect and support people who have been harmed; to ensure access to fair justice; and to reduce rates of victimisation by reducing crime and reoffending in an evidence-led, triaged approach.

GPS with bail pilot

Finally, the Committee will be aware that during the debate on violence against women and girls on 15 September, that we confirmed the geographical location of the intended pilot of the use of GPS with bail, which is proposed for the Tayside, Central and Fife Sheriffdom. We will be bringing forward Regulations prior to the October recess for the Committee to consider to enable the pilot.

I hope this information is helpful to the Committee and I look forward our next opportunity to further discuss such important matters on 7th October.



NEIL GRAY