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Dear Convener,

Thank you for your letter dated 26 June 2026. I am grateful for the extensive work undertaken by the Criminal Justice Committee to examine these issues.

You have asked in your letter for a range of information relating to the prison population. I have set out this information below in response to each specific ask, highlighting the position of the Scottish Government and relevant agencies on these matters, as well as an update on the actions we have taken in relevant areas.

Information requested: the latest available data on Scotland's remand population, including trends over recent years.

The prison population on the morning of Monday 17th August 2026 was 8,546 in custody (6,349 sentenced, 1,726 untried and 471 awaiting sentencing). 25.7% of the prison population were on remand, with 20.2% untried and 5.5% on remand awaiting sentencing.

[Data](#) shows that pressure in the prison population was building prior to the COVID-19 pandemic, with both sentenced and remand populations growing in the years immediately before COVID-19.

The most recent published [prison statistics](#) show that growth in the prison population in 2023-24 and 2024-25 was the result of a growing sentenced population. However, while the prison population is increasing, there is a reduced volume of individuals going to prison (-18% between 2014-15 and 2024-25).

The overall remand population (convicted awaiting sentencing and untried) has remained broadly stable in the past three years but remains at a higher level than before the COVID-19 pandemic.

Information requested: information on the average length of time individuals spend on remand, together with data on the number and proportion of individuals held on remand for more than 180 days, and any available information on cases where the period spent on remand exceeds the custodial sentence ultimately imposed.

Time spent on remand has increased sharply, a long-term trend which has been exacerbated by the COVID-19 pandemic. However, post-pandemic, there have been reductions to the remand departure and transition to sentenced time, with the longest departures and the median transition reaching post-pandemic lows in 2024-25.

In 2017-18, 90% of remand departures had occurred within 63 days. In 2022-23, they took 145 days, before falling to 86 days in 2024-25. In 2017-18, 90% of transitions from remand to sentenced population occurred within 123 days. This rose to 289 in 2022-23, before falling slightly to 275 days in 2024-25.

Currently there is no available information on cases where the period spent on remand exceeds the custodial sentence ultimately imposed. This is because the information on remand is held by the Scottish Prison Service (SPS) and the information on custodial sentences is held by SCTS. Scottish Government are planning to undertake a research project looking at remand outcomes which will improve the available evidence in this area.

Information requested: the Scottish Government's assessment of the principal factors influencing the remand population over recent years, including, where applicable, the extent to which court recovery, changes in offending and sentencing patterns, bail decision-making and implementation of the Bail and Release from Custody (Scotland) Act have had an impact.

There has been an increase in the most serious criminal court business. Cases registered in Sheriff Solemn courts in 2024-25 were at the second highest level in the last decade (albeit -3% on 2023-24). High Court cases registered in 2024-25 were at the highest level in the last decade (increased 57% from 2014-15), with the crimes 'Homicide', 'Serious Assault and Attempted Murder' and 'Rape and attempted rape' collectively accounting for over 73% of High Court indictments registered.

Since 2014-15, the growth in the average daily remand population has been driven by increases in those accused of violent and sexual offences. Most cases in remand population relate to Solemn or High Court procedures. There have been large volume increases in those accused of 'serious assault and attempted murder' (+71% from 225 in 2014-15 to 386 in 2024-25), as well as increases in those accused of 'rape and attempted rape', 'drugs – supply', 'Domestic Abuse (Scotland) Act offences', and 'sexual assault'. These trends are broadly in line with trends observed in the sentenced population.

The increased time spent on remand is driven by the increased time taken for criminal cases to progress through the justice system. The time taken from police becoming aware of an offence to verdict reached in the court has more than doubled for sheriff solemn cases, rising from 266 days in 2017-18 to 540 days in 2023-24.

There is a similar pattern for cases progressing through the High court, more than doubling from 416 days in 2017-18 to 872 days in 2023-24.

The backlog of [outstanding court cases](#) across all criminal courts more than doubled to over 43,600 (+140%) at the peak in January 2022 due to consequences of the COVID-19 pandemic. By March 2026, it had fallen to 13,300, with recent backlog trends varying by court type. High levels of outstanding cases in the High Court and Sheriff Solemn court are likely to lead to ongoing high levels of court business, and further impacts on prison population levels (both remand and sentenced).

In 2023, the Scottish Government published findings from an [independent research study into bail and remand decision making](#). The report concluded that the bail and remand decision making process is complex, multi-faceted and time pressured. The decision-making process was informed by multiple considerations in each case, and no single factor was determinative.

The seriousness of the alleged offence, the previous offending history of the accused, and the previous compliance of the accused with bail or other court orders were cited as key factors determining COPFS case marking, and judicial decision making. These factors were linked to an emphasis on ensuring public safety.

Regarding “reasons for refusal of bail” information, which under the 2023 Act is now required to be logged when an individual is refused bail at a hearing, we are working with SCTS to ensure this is analysable and can be reported upon.

Information requested: actions being taken to ensure remand is used only where appropriate and in accordance with the statutory tests, while maintaining public safety AND how the Scottish Government evaluates whether, and to what extent, criminal justice legislation achieves its intended outcomes, including the Bail and Release from Custody (Scotland) Act. In particular, it would be helpful to understand the indicators used to assess success, and how such evaluation informs the development of future policy.

Decisions on bail and remand are a matter for the independent courts and that is crucial for the proper functioning of the justice system. While there will always be cases where the use of remand is necessary, the Scottish Government has and continues to prioritise strengthening alternatives to remand, to ensure that courts have a range of robust bail options available to them.

As noted in the response to the other Committee letter dated 26 June 2026, we are taking forward several policy actions to support the availability, consistency, and effectiveness of alternatives to remand. In addition to this, the ‘*Prison population and penal reform*’ consultation includes a proposal in relation to revising the bail test.

Sections 1 to 4 of the 2023 Act made changes to the bail test and were commenced on 14 May 2025. While we continue to gather evidence on how the new bail framework is operating, there has not yet been sufficient time to fully understand its longer-term impact on bail decision-making and remand outcomes. In accordance with section 6 of the 2023 Act, we will prepare and publish a report on bail and

remand, three years following the implementation of the Act, and as soon as practicable after the expiry of the reporting period in May 2028.

Information requested: how the health, care and support needs of an ageing prison population are being assessed and met, including arrangements for people in custody with frailty, dementia or significant long-term health conditions.

SPS leads on delivering social care in prisons. To do this, it works closely with NHS colleagues, and other partners, to identify and meet additional support needs, including developing care and management plans for people living in prison with frailty, dementia and other long-term health conditions.

The Scottish Government has developed a prison healthcare Target Operating Model (TOM) that includes services for people with long-term conditions. It is also working with partners to explore how social care outcomes in prison could be improved.

A national webinar on supporting people with suspected or diagnosed dementia in prison has been delivered and innovative practice, developed at HMP Glenochil through its Frailty Project, including a Cognitive Impairment Pathway, has been shared through national forums to support learning and share good practice across Scotland.

Work is also underway to support a consistent, person-centred, compassionate approach to palliative and end-of-life care in Scottish prisons, ensuring people in custody can access timely, dignified care, family contact and support.

Information requested: whether the Scottish Government has developed, or intends to develop, a formal, published strategy, working with the Scottish Prison Service and relevant health and social care partners, for meeting the needs of an ageing prison population, against which progress can be assessed.

The TOM was developed with national partners to provide a framework for nationally consistent delivery of prison healthcare services. It's implementation by NHS health boards is monitored through 6-monthly reporting that is reviewed through our health/justice governance structures, such as the Scottish Healthcare in Custody Oversight Board (SHIC OSB).

Information requested: current arrangements for ensuring that cancelled hospital appointments for people in custody are rearranged promptly, and whether the Scottish Government has assessed whether being in custody creates additional barriers or delays in accessing secondary healthcare.

Three key barriers to access have been identified and addressed. First, prison patients are primarily reliant on GeoAmey for secondary healthcare access which is a barrier when transport is not provided. Monitoring GEOAmey missed appointments figures has shown improved service delivery with fewer missed secondary healthcare appointments across the prison estate.

Second, to prevent prison patients from being penalised for non-attendance, NHS Health Board Chief Executives have been asked to ensure secondary care teams do not re-prioritise these patients on their waiting lists.

Third, NHS Chief Executives have also been asked to help ensure that prison patients on secondary care waiting lists who transfer between health boards, when moved across the SPS estate, have their waiting time with the previous board recognised to avoid them being disadvantaged.

Information requested: guidance issued to NHS Boards regarding healthcare access for people in custody.

The TOM provides NHS health boards with a national framework for the consistent delivery of prison healthcare while outlining that prison patients should have access to person-centred, timely healthcare that is, as a minimum equitable to community access, including continuity of care from community to prison.

A refreshed NHS/SPS Memorandum of Understanding (MOU) setting out responsibilities for each organisation has also been agreed to support consistency and improve patient care.

Information requested: work that is underway to improve the availability, consistency and transparency of prison and criminal justice data.

The Scottish Government is supporting justice partners to deliver the outcomes set out in the Vision for Justice in Scotland through a programme of reform focused on improving the efficiency, effectiveness and accessibility of the justice system. This includes a range of initiatives, for example Summary Case Management (SCM) and the Digital Evidence Sharing Capability (DESC), that seek to reduce delays, improve user experience, increase access to information and data, and make better use of digital technology to deliver modern, resilient and person-centred services.

I hope you find the information above useful.

Yours sincerely,

NEIL GRAY