



The Scottish Parliament
Pàrlamaid na h-Alba

Criminal Justice Committee

Neil Gray MSP
Cabinet Secretary for Justice
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

26 June 2026

Dear Cabinet Secretary,

At its meeting on 24 June 2026, the Criminal Justice Committee took evidence from HM Chief Inspector of Prisons for Scotland as part of its consideration of the current state of Scotland's prison system. A link to the Official Report of that meeting can be [found here](#) for ease of reference.

The Committee recognises the considerable pressures currently facing prisons and acknowledges the commitment and professionalism of prison staff working in exceptionally challenging circumstances. However, the evidence heard reinforced a number of issues which the Committee considers merit further clarification from the Scottish Government. The Committee notes the recent publication of the [Scottish Government's consultation on penal reform](#). The matters raised in that consultation are relevant to a number of the issues set out below.

A recurring theme throughout the evidence session was the continuing pressure created by prison population levels and the importance of understanding whether legislation and policy are achieving their intended outcomes in responding to those pressures. The Committee discussed, amongst other matters, the operation of recent reforms relating to bail and release, the continuing pressures arising from the remand population, and the wider need for robust evidence to inform future policy decisions.

The Committee would welcome information on:

- the latest available data on Scotland's remand population, including trends over recent years
- 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

- 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
- actions being taken to ensure remand is used only where appropriate and in accordance with the statutory tests, while maintaining public safety
- 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
- 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
- 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
- guidance issued to NHS Boards regarding healthcare access for people in custody
- any work that is underway to improve the availability, consistency and transparency of prison and criminal justice data.

In addition, given the cross-cutting nature of these issues, the Committee would welcome further information on 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.

The Committee would be grateful for a response by Friday 21 August 2026, to inform its consideration of these issues after the summer recess.

Yours sincerely,

Alyn Smith MSP
Convener
Criminal Justice Committee