



Criminal Justice Committee
Wednesday, 24th June 2026
2nd Meeting, 2026 (Session 7)

Evidence session with HM Inspectorate of Prisons for Scotland

This paper provides an overview of the prison system in Scotland and the role of HM Inspectorate of Prisons. It highlights some key issues to inform the Committee's evidence session with HM Chief Inspector of Prisons for Scotland.

Background on Prisons

The [Scottish Prison Service](#) (SPS) is an executive agency of the Scottish Government with responsibility for Scotland's prisons (including young offender institutions). It also operates a victim notification scheme, as well as managing the contract for the provision of secure transport for those in custody to and from the courts.

There are currently 17 prisons, including one (HMP Addiewell) which is operated under contract by a private company. The Scottish Prison Service website provides [information on individual prisons](#).

This prison estate caters for a diverse prison population. Separate provision is made for prisoners based on a range of factors. These include sex, age (under 21 or 21 and over), and whether a prisoner is serving a custodial sentence or is being held on remand. Children under the age of 18 are not held in the prison estate, but can be held in [secure accommodation](#).

Prisons can differ greatly in terms of the types and numbers of prisoners they hold. For example, the Bella and Liliac centres (housing low supervision female prisoners) have a combined capacity of 40, whilst the maximum number of prisoners held in HMP Barlinnie during 2024-25 was close to 1,500.

For further background information see the SPICe [Prisons Subject Profile](#).

Key issues and areas of scrutiny

The operation of prisons and the use of custody have been the subject of considerable debate and scrutiny. Key issues in recent years have included the size of the prison population, reaching record levels, and the associated problem of prison overcrowding. In September 2025, the Chief Inspector of Prisons for Scotland, [wrote to the Scottish Government](#) stating that overcrowding "is an invidious and all-pervading evil that affects every aspect of prison life".

During the last session of Parliament, the Scottish Government took various steps in response to prison overcrowding. These included:

- making use of emergency early release powers for sentenced prisoners
- bringing forward legislation which reduced the length of time most short-term prisoners (those serving custodial sentences of less than four years) spend in custody before qualifying for automatic early release

In spite of these measures, [BBC reporting](#) in May 2026 stated that 8,587 inmates were being held in a system designed to accommodate 7,805.

Other important areas of debate and scrutiny have included:

- substance misuse in prisons – the Session 6 Criminal Justice Committee carried out an [inquiry into the harm caused by substance misuse in prisons](#)
- deaths in custody – the Scottish Government has published [statistics on deaths in prisons](#) and the Scottish Centre for Crime & Justice Research has been [monitoring deaths in custody more generally](#) (e.g. also including mental health detention).

In Autumn 2025 the Prison Officers' Association, the union representing Scotland's 4000 front line prison staff, published a report on the pressures facing prison officers, [Crisis Point Reached](#). It states that prison officers' ability to carry out their duties "is being severely hampered by a prison system that is at breaking point". It calls on the Scottish Government and Scottish Prison Service to take "urgent action to address overcrowding, understaffing, failings of the recruitment process, the drugs crisis, retirement age, violence and a host of other issues".

HM Inspectorate of Prisons for Scotland

[HM Inspectorate of Prisons for Scotland](#) (HMIPS), headed by HM Chief Inspector of Prisons for Scotland, has responsibility for the inspection and monitoring of Scotland's prisons. Other responsibilities include the inspection of court custody units and prisoners under escort.

The inspection of prisons involves a programme of regular inspection visits as well as unannounced visits. The work is carried out by HMIPS staff together with subject experts from other organisations (e.g. the Care Inspectorate, Education Scotland and Healthcare Improvement Scotland).

Monitoring is a regular weekly activity carried out for each prison and young offender institution by Independent Prison Monitors – trained volunteers from the local community. During visits, Monitors check on the treatment and conditions of prisoners and can investigate issues raised by individual prisoners.

HMIPS is one of 21 statutory bodies, independently monitoring places of detention, that make up the UK's [National Preventive Mechanism](#) (NPM). The NPM was established in 2009 to strengthen the protection of people in detention.

The latest [annual report](#) of HM Chief Inspector of Prisons for Scotland was published in March 2026. The [news release](#) accompanying the report highlights 4 key issues:

- Overcrowding – the prison system was described as being under “intense and unsustainable pressure”. The system was found to be operating at more than 400 above design capacity, with 10 prisons overcrowded. HMP Barlinnie was found to be operating at more than 30% over capacity. Examples were found of prisoners unable to shower daily or being required to sleep on mattresses on the floor. The report describes the “paralysing effect” of overcrowding which restricts access to education, work, healthcare, addiction services and offender programmes. It also places significant strain on prison staff and increases the risk to prisoner safety and mental health.
- Deaths in custody – “The report highlights 64 deaths in custody during 2024, the highest ever recorded in Scotland and a 60% increase on the previous year. This includes 17 suicides, also the highest yet recorded. The mortality rate in custody now stands at 790 deaths per 100,000 people in prison, among the highest in Europe.” The news release states that a HMIPS priority for 2025-26 will be reviewing the Scottish Prison Service’s actions following the [Fatal Accident Inquiry](#) into the deaths of Katie Allan and William Brown.
- An increasingly complex prison population – the report highlighted growing numbers of people with complex mental health needs, addictions and neurodivergence as well as more older prisoners (often in accommodation unsuitable for wheelchairs, hospital beds or mobility support) and more individuals requiring separation for safety (often being managed in mainstream areas due to limited specialist accommodation). The report found that “These pressures, combined with staffing shortages and high sickness levels, have compromised access to time out of cell, purposeful activity and progression opportunities.”
- Transport failures and cancelled healthcare – HMIPS’s review “[Planned Failure](#)” [A Thematic Review of Prisoner Transport in Scotland](#) identified “widespread problems in prisoner transport” that contributed to cancellation of vital secondary care appointments, delays or disruptions to visits, barriers to accessing rehabilitative programmes and instances of prisoners being held in unsuitable locations or arriving late for legal processes.

The annual report also sets out HMIPS’s priorities for 2025-26 (see p22-23):

- Scrutinising the impact of overcrowding - compounded by an increased complexity in the population.
- Scrutinising staffing shortages and inexperienced staff affecting the treatment and conditions of prisoners.
- Monitoring progress to reduce overcrowding that the SPS have under their control such as Home Detention Curfew and progression.
- Scrutinising health and wellbeing particularly for those with mental health needs, alcohol and substance use, age-related issues, and secondary care.

- Monitoring progress with development of the new prisons HMPs Glasgow and Highland, replacing HMPs Barlinnie and Inverness.
- Monitoring progress in ensuring cells designed for one person hold only one person.
- Monitoring progress made on desired outcomes from our inspections and thematic reviews.
- Supporting the NPM with their joint work on key detention issues, including the development of a training package for the prevention of torture and a mental health review across all four UK jurisdictions.
- Completing a review of the experience of prisoners held on remand.
 - An [analytical review](#) was carried out in 2025. It highlighted a number of areas of concern including evidence of a failure to comply with legislative requirements (such as entitlement to visits and exercise) and of failure to comply with the Nelson Mandela Rules (for example that remand prisoners should not share cells).
- Initiating a full revision of the inspection and monitoring standards.
 - The report states that these were last reviewed and revised in 2018 and that “there is a pressing need to bring them in line with more recent international and national standards and norms”.
 - A [communication on the monitoring restructure](#) was published on 10 June 2026 stating: “Changes in legal obligations, prison demographics, and operational practices have necessitated a comprehensive update which we hope to complete within the current business year.” A key element of this is the HMIPS “looking to move from prison inspections that are currently announced around eight weeks in advance, to unannounced inspections”.

Summary of Key issues raised by HMIPS and others

1. **Overcrowding** – the impacts of this on prisoners (e.g. time out of cells, rehabilitation and potential release) and the effectiveness of recent measures to reduce population pressures.
2. **Rehabilitation and progression** - The extent to which current pressures (including overcrowding and staffing) restrict access to programmes, progression opportunities and preparation for release.
3. **Complexities of the prison population** - the ways in which the population is becoming more complex (including mental health needs, substance use, neurodivergence and an ageing population), and the extent to which prisons are equipped to meet these needs.

- a. **Remand prisoners** – the concerns that have been raised around remand prisoners and how these might be addressed and the drivers of remand use and the extent of compliance with legal and international standards.
4. **Deaths in custody** – causes and preventive action.
5. **Staff wellbeing** – pressures on prison officers (particularly in light of the 2025 Prison Officers' Association report) and how staff welfare impacts on operations and welfare of prisoners.
6. **Transport failures** – how these issues arise and their impact on access to healthcare, legal processes and family contact.
7. **Revision of the inspection and monitoring standards** – problems with the current standards, the main changes that are being considered in the review, and what impact these might have.

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