

Public Audit Committee
Thursday 10 September 2026
3rd Meeting, 2026 (Session 7)

Criminal courts backlog follow-up

Introduction

1. At its meeting today, the Public Audit Committee will take evidence from the Auditor General for Scotland's (AGS) [Criminal courts backlog follow-up](#) report, which was published on 28 May 2026.
2. The AGS has prepared a paper on the key messages and recommendations from the report which can be found at **Annexe A**. A copy of the report can be found at **Annexe B**.
3. The Committee will decide any further action it wishes to take following the evidence session today.

Clerks to the Committee
September 2026

Annexe A: Briefing Paper by the Auditor General for Scotland

1. The Auditor General's follow-up report on Criminal Courts Backlog was published on 28 May 2026. The main purpose of this follow-up audit was to assess the progress made by the Scottish Government and the Scottish Courts and Tribunals Service (SCTS) against the recommendations made in the Auditor General's 2023 Criminal Courts Backlog report. This report also provides an update on the courts backlog and waiting time position, and highlights some of the risks and opportunities for further reducing the backlog and longer-term transformation in the criminal courts system.
2. Our 2023 report assessed how effectively the Scottish Government, SCTS and justice partners had responded to the impact of the Covid-19 pandemic on the criminal courts. The pandemic created major challenges and led to significant backlogs in the number of trials given a start date but still waiting to be heard (known as outstanding scheduled trials and often referred to as the backlog). We found partners worked well together, responded quickly and considerable progress was made in reducing the backlogs. Since then, there has been a continued and significant shift in court business due to an increase in serious, complex crimes. This is causing pressure across the criminal justice system, including the courts, and has changed the distribution and extent of the backlog.
3. In this report we highlight that good progress has been made in reducing the overall backlog, with the number of outstanding scheduled trials at the end of

2025/26 returning to below pre-pandemic levels (13,268 compared to 18,355 in 2022/23). Similarly, the number of outstanding scheduled trials in the summary courts is now also below pre-pandemic levels. In Sheriff Summary courts, some of this reduction results from two key projects (Summary Case Management and Digital Evidence Sharing Capability) included in the transformational change programme on criminal justice system efficiency.

4. Most trials are heard in the summary courts and that is where there has been a significant reduction in the backlog. However, there is a very different pattern in the solemn courts which deal with the most serious offences, and especially in the High Court. Outstanding scheduled trials in these courts are now much higher than before the pandemic. Sheriff solemn trials have until recently been reducing, but in the High Court these have continued to grow since before the pandemic. These are now at almost three times pre-pandemic levels - at the end of 2025/26 there were 1,002 outstanding scheduled trials, compared to 390 in 2019/20. These cases are resource intensive and have a disproportionate impact on the system.
5. In our 2023 report we made several recommendations and committed to following these up. This audit found there had been mixed progress.
 - The 2022 Vision for Justice in Scotland was to be accompanied by a three-year delivery plan setting out short-, medium- and longer-term actions for a range of partners. However, this was delayed and at the time of our last report it had still not been published. We made recommendations that the Scottish Government should effectively consult justice partners when developing the delivery plan and that this should be published within six months of our report.
 - The plan was published within timescale and most partners were consulted, although the third sector was not sufficiently included. The next Vision, likely to be published by the end of the year, is already being discussed with partners. We have recommended that the Scottish Government agrees priorities, outcomes and contributions with partners and that any delivery plan should include more detail, such as success measures and how actions align with outcomes.
 - Our 2023 report found that partners had worked well together to quickly respond to the pandemic, including around consultation and delivery of new emergency legislation to support recovery. The changes introduced through the initial response to the pandemic created the momentum towards a broader transformation of the justice system and we recommended that justice partners should be consulted around the wider legislative changes required to support this.
 - While we found some examples of where consultation could have been better, overall, there has been good engagement, with partners included in developing key legislation that is driving forward changes to the way the criminal courts and wider justice system operate. A whole-system approach and effective collaborative working is key to delivering the transformational change needed.

- Several new Acts have been implemented that will impact on court processes and potentially the backlog. There have also been some recent legal judgements that could impact on the backlogs (for example, changes to the level of evidence required for sexual offence cases to go to trial).
- In 2023, we recommended that the Scottish Government develop clear programme management arrangements around the three transformational change programmes key to delivering the Vision for Justice. The Scottish Government has faced challenges in implementing a programme management approach because of the diverse range of interrelated projects and partners involved. This has also been difficult because of internal staffing challenges and the need to divert resource and focus to managing acute pressures in prisons. This has led to reduced focus and oversight on the transformation work.
- In 2023, we also recommended that the Scottish Government embed arrangements to consistently consider user experiences within transformational change programmes and to inform individual projects. Although we found engagement with people using the criminal justice system has improved generally, their experience is not yet embedded across all three transformation programmes. This is particularly so in relation to TCP3, which focuses on criminal court system efficiency. Some of this is because of the range of projects and partners involved, all working within their own project management and governance arrangements.

Equality impact assessments can help to help embed evidence and lived experience in decision-making and policy development. As at the time of our 2023 report, and despite our previous recommendation around this, the Scottish Government and SCTS are still not routinely conducting equality impact assessments in relation to transformational change projects. Both attributed this to resource pressures. We have reiterated our recommendation that they should complete these for all change projects and make use of resources available to support good practice.

Criminal courts backlog follow-up

Transforming for the future



AUDITOR GENERAL 

Prepared by Audit Scotland
May 2026



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Accessibility

You can find out more and read this report using assistive technology on our website www.audit.scot/accessibility.

Audit team

The core audit team consisted of:
Jillian Matthew,
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Mark MacPherson.

Key messages

The Auditor General's 2023 report on criminal courts backlog made several recommendations for the Scottish Government and the Scottish Courts and Tribunals Service (SCTS).

Since the 2023 report, criminal court business has changed significantly, with a continuing increase in serious, complex cases, such as historical sexual abuse and serious organised crime. These cases are lengthy and resource intensive, creating new challenges for the criminal justice system.

- 1** Good progress has been made with some recommendations, including publishing a delivery plan for modernising services, and consulting with stakeholders on priorities and changes in legislation. There remain ongoing risks that could affect longer-term transformation but there are still opportunities for justice partners to reduce backlogs and improve efficiency.
- 2** The overall criminal courts backlog has reduced considerably to 13,268 outstanding scheduled trials at the end of 2025/26 – around a third of the number seen at the peak in 2022 and lower than pre-pandemic levels. However, the nature of the backlog has changed significantly over that period, due primarily to changes in court business, with high backlogs in the courts dealing with the most serious cases. Outstanding scheduled High Court trials have risen to 1,002 – almost three times pre-pandemic levels. This is creating pressures across the system, affecting prosecution, defence agents, and the prison service, as well as the third sector. Waiting times remain long.

- 3** There has been mixed progress with projects designed to improve criminal justice system efficiency and some have still to start. Evaluation activity and public reporting on progress have been limited. This means it is difficult to know what impact projects are having on addressing the backlog and improving outcomes. Challenges in progressing the transformational change programme work include insufficient staff, a lack of coordination and oversight of projects led by various justice partners, ineffective management of risks, and complex governance and accountability arrangements. Increasing pressures across the criminal justice system mean that service reform is urgent and must be supported by robust delivery and governance arrangements, as well as partners determining the resources required.
 - 4** Engagement with people who use court services has improved. People with lived experience are participating in some change projects but they are not actively involved in work to make the criminal courts system more efficient. Equality impact assessments are important for embedding evidence and lived experience into policy and improving outcomes. However, the Scottish Government and SCTS have not carried out equality impact assessments for the criminal justice efficiency change projects they are leading.
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Recommendations

In the next 12 months, the Scottish Government, building on learning from the current Vision for Justice Delivery Plan, should work with justice partners to:

- agree priorities, outcomes, and the contribution each partner will make to the next delivery plan. It should clearly set out actions to modernise the criminal justice system and include clear success measures, milestones, timescales and how these align with outcomes
- agree where responsibility lies for delivering and evaluating projects, and how organisations leading different projects will contribute to progress reporting against the shared vision. In the interests of transparency, partners should agree how they will report progress publicly
- implement clear programme management arrangements to coordinate and keep track of multiple change projects led by a range of stakeholders across the criminal justice system. This includes monitoring the impact of different projects and addressing the changing context of court business
- assess opportunities for making efficiency savings to reinvest in improving the justice system that align with the wider public services reform strategy. Where evidence suggests change projects require additional funding, identify how and when this will be provided, and any impact on other parts of the system.

In the next 12 months, the Scottish Government and Scottish Courts and Tribunals Service (SCTS) should:

- as recommended in our 2023 report, work with Criminal Justice Board partners, the third sector, victim support organisations, organisations representing the accused's interests and other relevant stakeholders to develop equality impact assessments for all change projects. The Scottish Government's recent mainstreaming equality strategy highlights new training courses and guidance materials, and a dedicated team providing support for equality impact assessments.

Background

1. The Covid-19 pandemic presented a major challenge for the criminal courts system in Scotland. This led to a rapid increase across all criminal courts in the number of **outstanding scheduled trials**. There will always be outstanding scheduled trials, as cases need preparation to come to court. Before the pandemic, the Scottish Courts and Tribunals Service (SCTS) estimated that normal operating capacity for the criminal courts was around 20,000 outstanding scheduled trials at any given point due to normal court processes. Strictly speaking, 'backlog' refers to cases above normal operating capacity, but in practice it is often used more broadly to mean the total number of outstanding scheduled trials at a given point in time.



Outstanding scheduled trials

are cases that have been given a court start date but are still waiting to be heard.

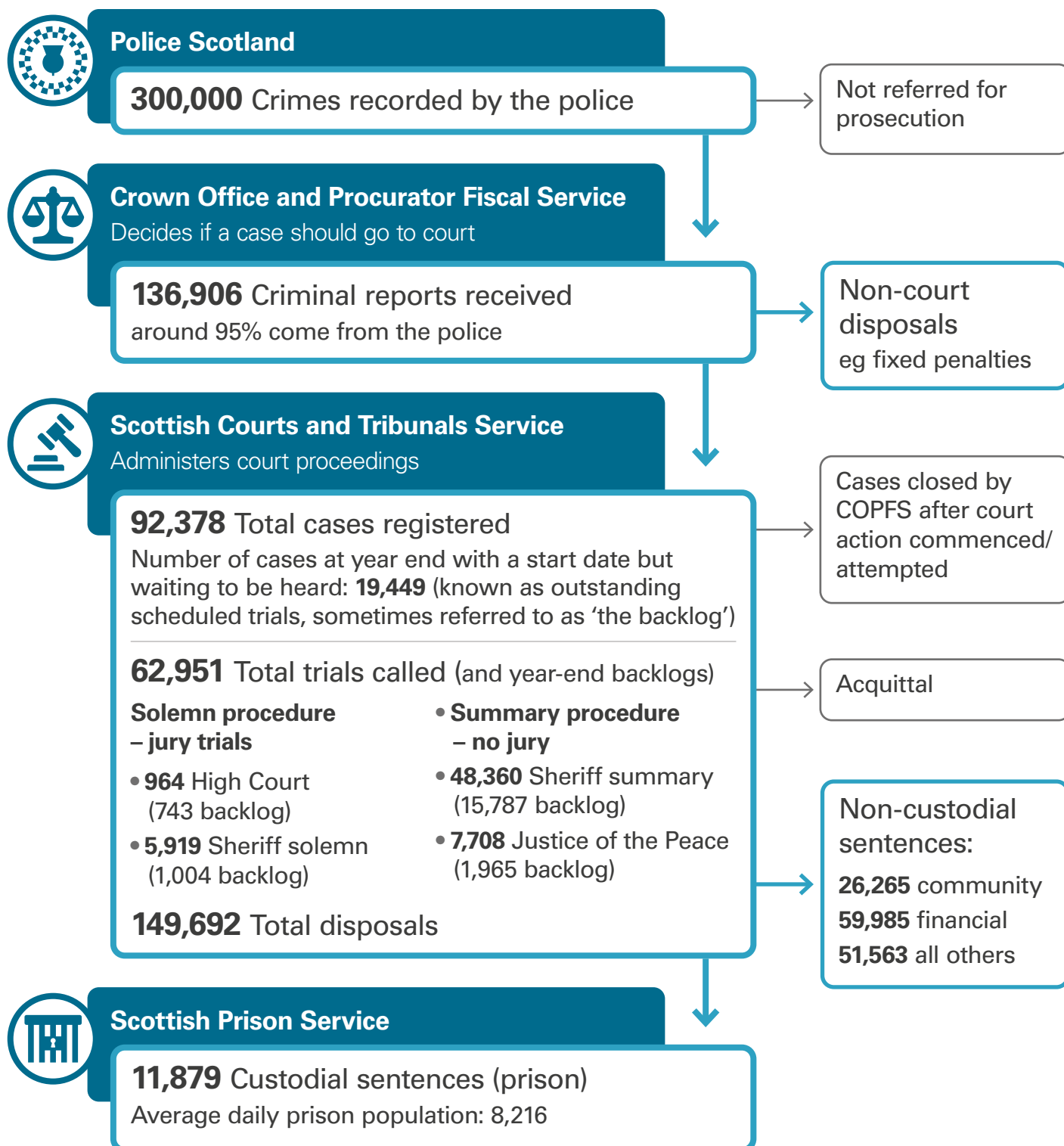
2. Scotland has a three-tier criminal courts system, administered by SCTS ([Exhibit 1, page 7](#)):

- Justice of the Peace courts deal with the lowest-level crimes, such as shoplifting and breach of the peace, and the outcome is decided by a Justice of the Peace.
- Sheriff courts deal with cases through both summary and solemn procedures:
 - summary cases, such as common assault, crimes of dishonesty and road traffic offences, are heard by a sheriff alone. These make up most trials in Scotland.
 - sheriff solemn cases are more serious. These include sexual offences and serious assault and involve a sheriff presiding over the cases and verdicts being decided by a jury at the end of a trial.
- The High Court of Justiciary (High Court) deals with the most serious criminal cases, such as murder and rape, with a judge presiding over the cases and verdicts being decided by a jury at the end of a trial.

3. Sometimes the Justice of the Peace courts and sheriff courts dealing with summary cases are collectively called summary courts. Similarly, the High Court and sheriff solemn courts are collectively known as solemn or jury courts.

Exhibit 1.

An overview of the criminal justice system and case volumes for 2024/25



Note: Not all cases start and finish in the same year, so totals at the different stages can reflect different cases and do not match. Individual cases may also have multiple disposals.

Source: [Scottish Government recorded crime statistics](#) and [prison population statistics](#); [Scottish Courts and Tribunals Service monthly statistics](#); [Crown Office and Procurator Fiscal Service case processing statistics](#); and Audit Scotland

4. Audit Scotland published a report on the [Criminal courts backlog](#) in May 2023. The report assessed how effectively the Scottish Government, SCTS and other justice partners had responded to the Covid-19 pandemic in relation to the criminal courts. Key findings at that time were:

- The Scottish Government and SCTS responded quickly and effectively to the Covid-19 pandemic, with new arrangements and funding to support this. Partners worked well together, often in innovative ways.
- By May 2023, considerable progress had been made in continually reducing the backlog through a courts recovery programme which included increasing court capacity.
- Victims, witnesses and accused individuals were experiencing longer waiting times. This was especially true for the most serious cases, which are tried in the High Court or sheriff solemn courts, and often have a greater impact on women and children.
- The Scottish Government's three-year delivery plan to support its 2022 Vision for Justice in Scotland had been delayed and was expected by summer 2023. The plan was essential in focusing work to modernise the criminal justice system. Several new projects were already in progress.

5. In 2023, the Auditor General made several recommendations directed to the Scottish Government and SCTS and committed to monitor progress against these. Although the audit focused on action taken to address the impact of Covid-19 on the criminal courts backlog, the initial response by justice partners evolved towards making transformational changes to the criminal justice system. Our recommendations were intended to support this wider change and focused on:

- publication of The Vision for Justice in Scotland: Three-Year Delivery Plan
- consultation with justice partners around development of both the delivery plan and legislation to support the transformation agenda
- development of effective programme management arrangements
- embedding people's experience in transformation projects
- carrying out equality impact assessments and project evaluations.

About this report

6. This report provides an update on current court backlog levels and waiting times, and an assessment of the progress by the Scottish Government and SCTS against our previous recommendations. There has been a considerable shift in context since our last report, which is reflected in our findings.

7. The audit looked at:

- the current patterns of criminal court business, and how backlogs and waiting times compare to both pre-pandemic levels and those at the time of publishing our previous report
- the progress the Scottish Government and SCTS have made against our 2023 recommendations
- key challenges to further reducing the criminal courts backlog and longer-term transformation in the criminal courts system, as well as opportunities to help focus activity and drive forward change.

8. Our findings, and new recommendations, are based on evidence gathered from several sources, including:

- a review of documents from the Scottish Government and SCTS, and other stakeholders
- interviews with a range of stakeholders – the Scottish Government, SCTS, Crown Office and Procurator Fiscal Service (COPFS), Police Scotland, Law Society of Scotland, Victim Support Scotland, Families Outside and Howard League Scotland
- analysis of SCTS monthly courts data
- a review of published information on court backlogs, transformation of the criminal justice system and wider justice issues.

9. Our analysis was completed prior to the Scottish Parliament election held on 7 May 2026. Any policy changes announced since then are outside the scope of this report. The recommendations are intended to help inform development of the next justice strategy and the continuing reform of the criminal justice system.

10. Many aspects of the criminal justice system are interdependent – change in one area can significantly impact on another. For example, court backlog levels can vary due to changes in levels and type of public reporting, police detection rates, and changes in the volume and type of cases that **Procurator Fiscals** decide should go to court. The criminal justice system can also be impacted by other policy areas, such as housing and social work, and vice versa.

Justice partners are continuing to carry out transformation work to deliver The Vision for Justice in Scotland

11. The Scottish Government published The Vision for Justice in Scotland (The Vision for Justice) in February 2022, along with a one-year delivery plan, setting out plans for transformation to create a just, safe and resilient Scotland. A three-year delivery plan was due for publication in August 2022 but was delayed. The Vision for Justice has five aims,



Procurator Fiscals

are prosecution lawyers who work for the Crown Office and Procurator Fiscal Service (COPFS). They receive reports about crimes from the police and other reporting agencies and then assess evidence and decide what action to take. If they decide to send a case to court, they will decide which court it should go to, what the charges are, prepare the case and present it at court.

one of which is to address the ongoing impact of Covid-19 and to continue to renew and transform justice in Scotland. The current Vision for Justice is coming to an end and work to refresh it has begun at a multi-agency level, with a view to publishing it at the end of 2026.

12. One of the ways in which the justice sector is delivering the medium- to longer-term Vision for Justice is through three Justice Transformational Change Programmes, known as TCPs:

- TCP1 – person-centred trauma-informed
- TCP2 – shifting the balance between custody and justice in the community
- TCP3 – criminal justice system efficiency.

13. Each programme includes several projects, some of which are led and funded by different justice partners and began before the programmes were established. The success of most projects depends on the cooperation of partners. More detail about the initial scope and outcomes of each TCP is set out in the [Appendix \(page 35\)](#).

Progress against our 2023 recommendations

14. Our previous report in 2023 included seven recommendations for the Scottish Government, two of which were also for SCTS ([Exhibit 2, page 11](#)). Part 2 of the report details progress towards meeting these and each section heading identifies which recommendation(s) the text relates to.

Exhibit 2.

Summary of progress against the recommendations in Audit Scotland's 2023 criminal courts backlog report

2023	2023 Recommendation	Assessment
The Scottish Government should:		
1	Finalise and publish its three-year delivery plan supporting The Vision for Justice in Scotland, setting out actions to ensure work continues to modernise the criminal justice system. (3–6 months)	 Met (paragraphs 34–37)
2	Effectively consult stakeholders , including the third sector (such as voluntary organisations and charities) and victim support organisations, about its vision and priorities for projects being taken forward through transformational change programmes, when developing the delivery plan to support The Vision for Justice in Scotland. (3–6 months)	 Met (paragraphs 38–39)
3	Work with the Criminal Justice Board and change programme boards to embed arrangements to ensure user experiences are consistently considered within transformational change programmes and are used to inform projects. In doing so, the Scottish Government should ensure that processes for communication and feedback between the Criminal Justice Board and any stakeholders advising on user experiences are clear. (3–6 months)	 Partially met (paragraphs 59–62)
4	Develop clear programme management arrangements for the transformational change programmes supporting its wider Vision for Justice in Scotland. This should include clear action plans, a consistent approach to risk management, defined outcomes, appropriate success measures and arrangements for reporting progress publicly. (12 months)	 Partially met (paragraphs 43–53)
5	Consult with SCTS and relevant partners around wider legislative changes that are required to support the ongoing transformation of the criminal courts system. (2 years)	 Met (paragraphs 40–42)
The Scottish Government and SCTS should:		
6	Carry out evaluations of projects within the criminal justice transformational change programmes. These should be carried out at key stages as deemed appropriate by the Criminal Justice Board and should incorporate qualitative and quantitative information and include feedback from all relevant stakeholders. (12–18 months)	 Partially met (paragraphs 54–58)
7	Work with Criminal Justice Board partners, the third sector, victim support organisations, organisations representing the accuseds' interests and other relevant stakeholders to develop equality impact assessments for all projects being taken forward through transformational change programmes. (12–18 months)	 Partially met (paragraphs 63–67)

1. Criminal courts backlog

The overall number of outstanding scheduled trials has decreased significantly to below pre-pandemic levels

15. In 2025/26 a total of 50,837 trials were **called**, 39,862 being in sheriff summary courts (78 per cent) and 990 (2 per cent) in the High Court. Although the number of High Court trials is relatively small, these trials are much more time-consuming and resource intensive than other types.

16. The total number of outstanding scheduled trials reached a peak of 43,606 in January 2022. There has been a positive overall downward trend since this point.

17. At the end of 2022/23, when we last reported, the number of outstanding trials scheduled was 27,406. By the end of 2025/26, this had fallen to 13,268, significantly below the pre-pandemic operating capacity level. This represents a 52 per cent decrease from 2022/23, and a 70 per cent decrease from the peak in January 2022.



Not all cases that are registered (86,432 in 2025/26) are then started, or '**called**' for trial. For example, some trials conclude before this due to a guilty plea, and others will be adjourned to a later date.

Outstanding scheduled trials in the two summary courts are below pre-pandemic levels

18. The number of outstanding scheduled trials in the Justice of the Peace courts has fallen. These have remained below pre-pandemic levels since our last report – with 2,176 outstanding scheduled trials at the end of 2025/26, compared to 3,497 at the end of 2019/20 and 4,266 at the end of 2022/23 ([Exhibit 3, page 13](#)).

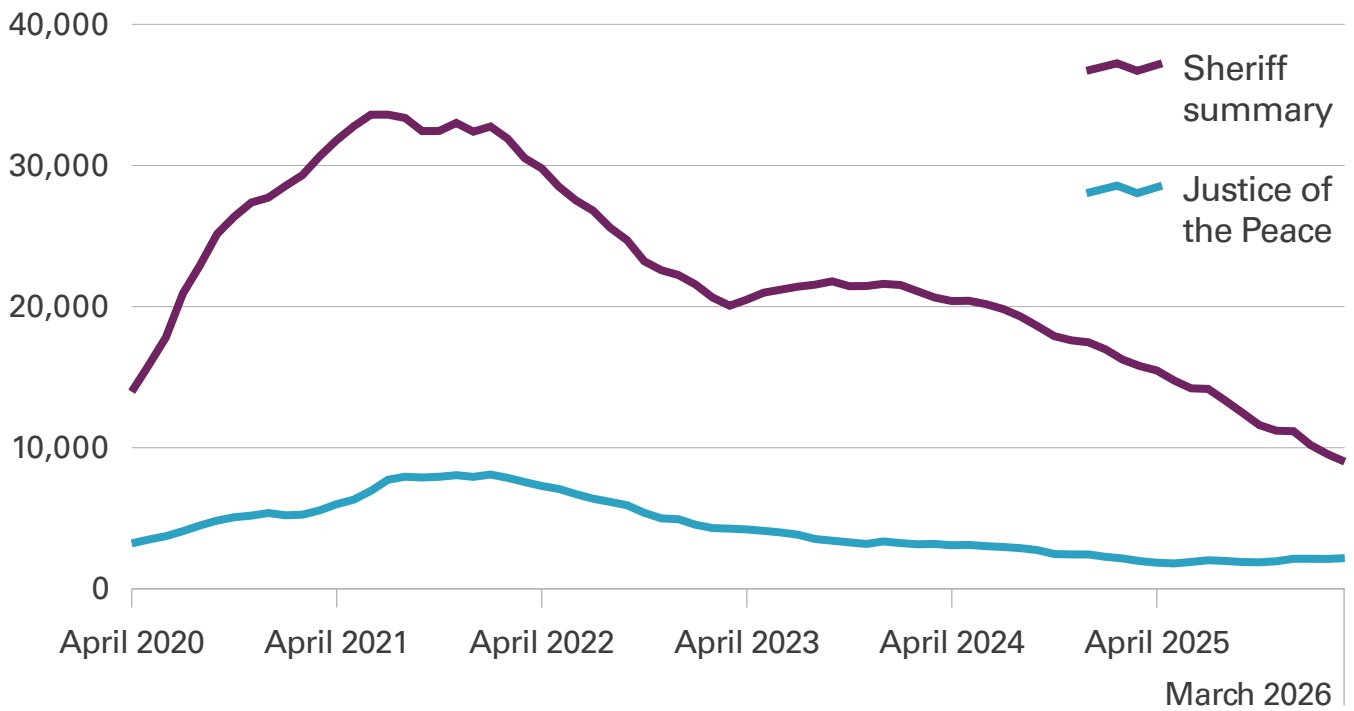
19. Sheriff summary outstanding scheduled trials peaked in July 2021 at 33,602 and have continued to fall since then. At the end of 2022/23, there were 20,064 outstanding scheduled trials compared to 9,012 at the end of 2025/26. This is substantially below the pre-pandemic level (13,971 in 2019/20).

20. Two examples of criminal justice system efficiency transformational change projects that have made notable contributions to the reduction in backlogs in the sheriff summary courts are described in [Case study 1 \(page 25\)](#): Summary Case Management; and [Case study 2 \(page 33\)](#): Digital Evidence Sharing Capability.

Exhibit 3.

The number of outstanding scheduled summary trials at the end of each month (Justice of the Peace and sheriff summary) from April 2020 to March 2026

The number of outstanding scheduled summary trials in a month is now below pre-pandemic levels in both court types.



Source: [Scottish Courts and Tribunals Service monthly statistics](#); Audit Scotland

Outstanding scheduled trials in courts dealing with the most serious cases remain high, and continue to grow in the High Court

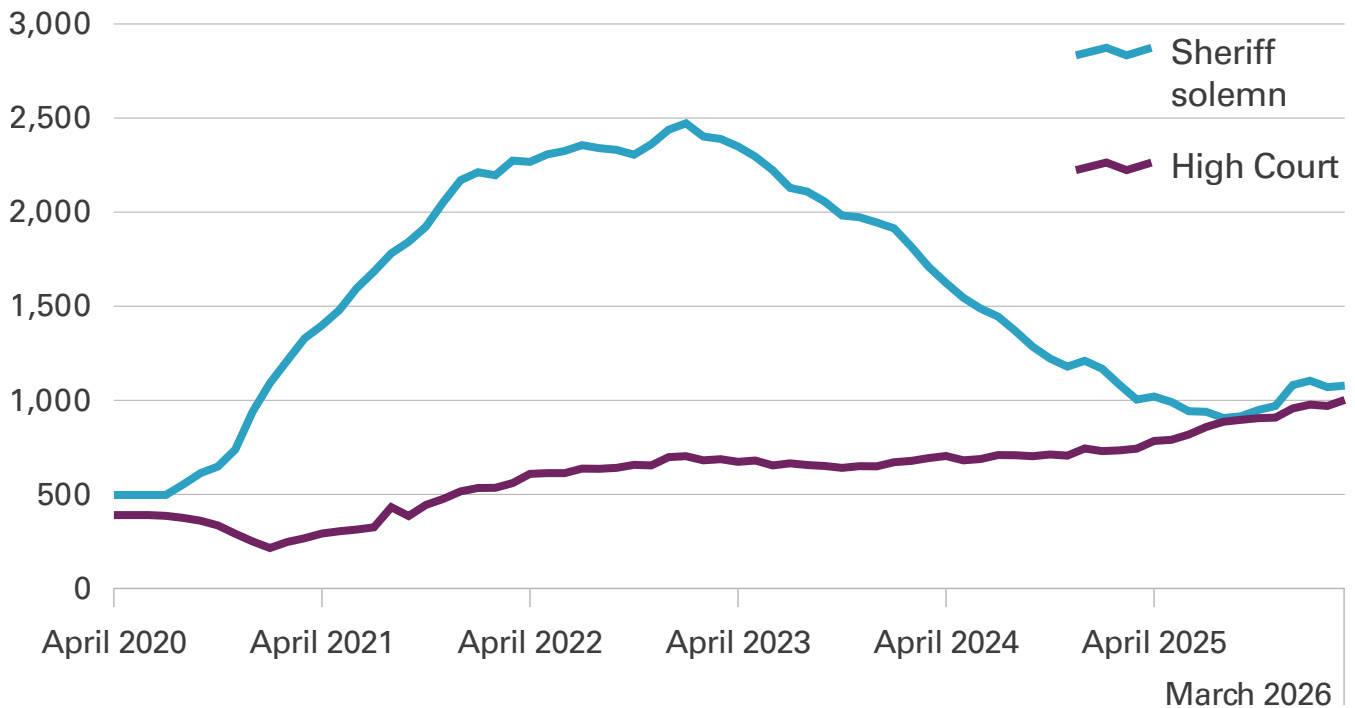
21. Sheriff solemn outstanding scheduled trials rose to exceptional levels following the pandemic. There has been a positive downward trend until recently, and the numbers remain high. At the end of 2025/26, the number was approximately double the pre-pandemic number (1,078 compared to 497 at the end of 2019/20) ([Exhibit 4, page 14](#)).

22. High Court outstanding scheduled trials have grown continuously since the pandemic and are at an unprecedented level. At the end of 2019/20, the number was 390. This increased to 687 by the end of 2022/23 (a rise of 76 per cent), and to 1,002 by the end of 2025/26 (a rise of 157 per cent from 2019/20).

Exhibit 4.

The number of outstanding scheduled solemn trials at the end of each month (sheriff solemn and High Court) from April 2020 to March 2026

The number of outstanding scheduled trials for solemn cases remains high, and for High Court cases continues to grow.



Source: [Scottish Courts and Tribunals Service monthly statistics](#); Audit Scotland

There has been an increase in serious, complex cases causing a fundamental shift in court business and driving the rising High Court backlog

23. The rising High Court backlog primarily results from the shift in the type and volume of cases coming into the criminal courts system. There has been a significant rise in serious, complex cases (eg, historical sexual abuse, counter-terrorism and human trafficking), often involving multiple victims and accused individuals. This shift started before the pandemic. These serious, complex cases are less likely to be resolved early and more likely to involve late guilty pleas and lengthy trials.

24. SCTS data shows that between 2024/25 and 2025/26, there was a 26 per cent rise in High Court **indictments** registered for trial (from 1,105 to 1,393). The average High Court case lasts six to seven days, whereas a typical sheriff summary trial can take around three hours. This means that even a small rise in High Court trials has a disproportionate impact on court business.



An **indictment** (pronounced 'in-dyte-ment') is a document setting out the charges of crimes or offences against an accused individual in more serious cases. Cases on indictment are heard by a judge and jury in the High Court or sheriff solemn courts.

25. Higher levels of indictments have been registered for solemn proceedings for several reasons. There has been a rise in the number of complex cases being received by COPFS from the police and others. In addition, temporary emergency legislation introduced during the pandemic to allow longer time before cases are called to trial ended in November 2025. This resulted in a large cohort of cases entering the court system within a short time.

26. The rise in complex, serious cases also puts pressure on other parts of the criminal justice system, for example the police, prosecution, defence solicitors and the prison service, as well as the third sector. These cases can mean an increase in the time needed to investigate a crime and prepare a case for trial. They are also more likely to result in lengthy custodial sentences which puts more pressure on prison resourcing and accommodation, as well as managing the prison population.

Waiting times have decreased across all court types but continue to be above pre-pandemic levels

27. Waiting times have decreased since the peak in January 2022. However, they are much longer than before the pandemic in all courts except Justice of the Peace courts. Average waiting times for 2025/26 for High Court trials and sheriff summary trials are starting to show a reverse in the downward trend ([Exhibit 5, page 16](#)).

28. Long waiting times, especially in the solemn courts, can have a detrimental impact on victims, witnesses and accused individuals, for example on mental health, employment, and family life ([paragraph 59](#)).

Modelling of projected court business is helping to inform the justice sector response to changes

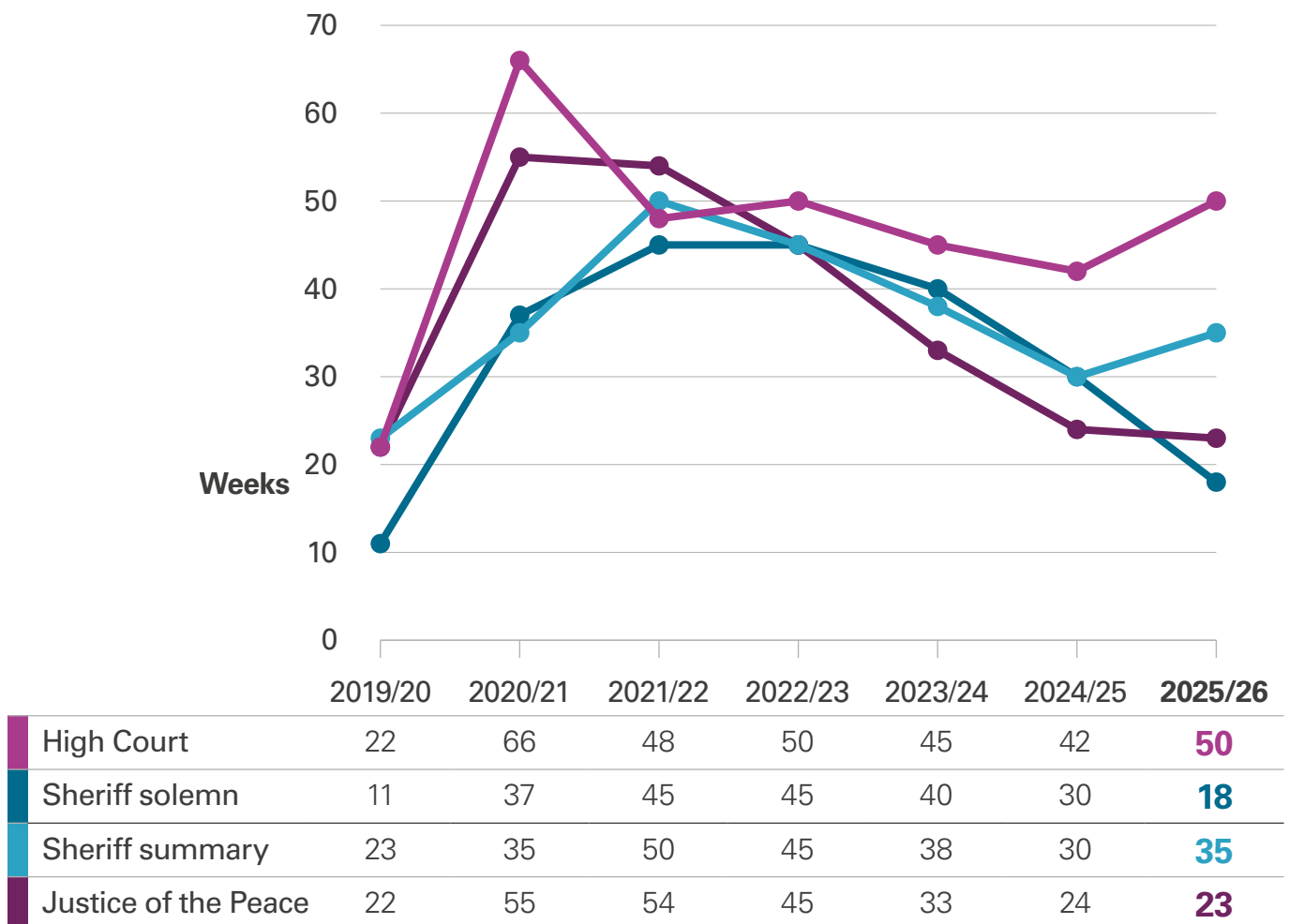
29. Work to reduce the courts backlog is no longer framed as a Covid-19 recovery issue, with the focus instead being on the need for system-wide reform. Overall backlog levels, and those in the summary courts, are now below pre-pandemic levels. However, changes in the volume and type of sheriff solemn and High Court business, mean a return to pre-pandemic levels in the solemn courts is unlikely without changes to resourcing and processes throughout the system.

30. SCTS has continued to undertake modelling of projected court business levels across the High Court and sheriff courts, to help drive the response to the changing type and volume of cases coming into the criminal courts system. The [latest modelling from September 2025](#) shows that at current High Court capacity levels – 22 courts compared to 16 before the pandemic – the level of outstanding scheduled trials, and associated waiting times, will continue to grow. Even if capacity was increased to 28 High Courts, the extent of change to court business means growth will continue.

Exhibit 5.

The average number of weeks to evidence-led trials in each criminal court type

Waiting times for trials to start are still much longer than before the pandemic.



Note: For Justice of the Peace and sheriff summary courts the time is measured from when the court meets to hear a plea (the pleading diet) to an evidence-led trial starting. For solemn courts this is from when the court first meets to decide if a case is ready to go to trial, known as the first diet in sheriff solemn courts, and a preliminary hearing in the High Court.

Source: [Scottish Courts and Tribunals Service monthly statistics](#); Audit Scotland

31. Modelling has played an important role in a sector-wide response to the criminal justice system challenges. SCTS has worked closely with partners, including COPFS, Police Scotland and the Scottish Government when developing and using the modelling. Work is now being undertaken by the Scottish Government to assess how court modelling can link to prison population modelling.

Since our previous report, transparency around courts backlog and waiting times data has improved

32. In August 2025, SCTS began publishing enhanced monthly data on criminal case throughput in the courts. This merged, and added to, two previously separate datasets – criminal management information and criminal courts data. In October 2025, data on domestic abuse cases was added. This is now broken down by individual courts and **area**.

33. Following an experimental publication in April 2023, the Scottish Government began publishing quarterly data updates on the length of accused persons' journey times in the criminal justice system through an interactive dashboard. This has evolved and now includes some key demographic breakdowns. The data has not been updated since March 2025 but a revised publication is due in summer 2026.



These are judicial **areas** which form the basis of the sheriff court system and are known as Sheriffdoms. There are six in Scotland, each overseen by a Sheriff Principal.

2. Progress against the 2023 recommendations

The Scottish Government published its three-year delivery plan, setting out actions to support transformation

(Exhibit 2, 2023 Recommendation 1)



34. The 2022 Vision for Justice in Scotland is supported by a three-year delivery plan which sets out short-, medium- and longer-term actions for a range of partners. This delivery plan was originally due to be published by August 2022, but at the time of our 2023 report it had been delayed. This led us to recommend that it should be published in the next six months.

35. The Scottish Government published the delivery plan in November 2023, within the timescale of our recommendation but over a year later than originally intended. The delay was attributed to a change in minister, financial uncertainty and a desire to further consult with justice partners. We have not found evidence that the delay in publication significantly affected delivery of the projects within it.

36. The delivery plan is a collation of individual projects and actions that contribute to the transformation agenda, rather than a formal programme of work. This includes projects within the three transformational change programmes. The projects and actions are led by a variety of partners and are set out against each of the five aims of The Vision for Justice and include milestones, timescales and details of who is responsible for delivery of each. The delivery plan provides details of the intended outcomes of the three transformational change programmes but contains limited information about the outcomes of individual actions and projects. The delivery plan does not set out how individual projects align with the wider transformation aims or contribute to programme-level outcomes.

37. Lead organisations are responsible for putting in place appropriate levels of funding for delivery of their actions and projects. Not all projects included in the delivery plan had been fully scoped or costed. Projects relating to shifting the balance between custody and justice in the community (TCP2) had not yet been decided at the time of publication. It is unclear how the Scottish Government and its partners can be assured that actions, projects and outcomes can be delivered within given timescales, and that sufficient resources are available. The delivery plan does not set out an approach to public reporting.

The Scottish Government consulted justice partners when developing the delivery plan and key legislation

(Exhibit 2, 2023 Recommendations 2 and 5)



38. The publication of the delivery plan was delayed in part due to the need to engage with stakeholders to ensure appropriate content. The Scottish Government reports it had initial discussions with partners (such as SCTS, COPFS, the Scottish Prison Service and Police Scotland) about what should be reflected in the delivery plan. Partners were formally approached for their views approximately two months before the scheduled publication date.

39. The Scottish Government held an information session about the delivery plan for third sector partners, but this was close to publication and just a few days prior to approval by the Justice Board. This approach did not allow for effective involvement of the third sector, with no opportunity to shape or amend content. The Scottish Government has acknowledged that engagement with the third sector should have taken place earlier. The Vision for Justice and the Three-Year Delivery Plan end in spring 2026, and the Scottish Government has already started discussions with justice partners about refreshing these.

40. The Scottish Government, SCTS and COPFS worked closely, along with other partners, to develop emergency Covid-19 legislation for the criminal courts system. Early and close engagement continued when developing recent major legislation impacting on criminal court processes and potentially the backlog. The views of justice partners have helped shape **legislative provisions**. Examples of good engagement around new legislation include:

- **Bail and Release from Custody (Scotland) Act 2023** – there was early engagement with SCTS about the impact this would have on court process, as well as operational and cost implications.
- **Victims, Witnesses and Justice Reform (Scotland) Act 2025** – a cross-justice group was formed prior to developing the legislation and engagement is continuing during the implementation process.
- **Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025** – there was positive engagement pre-consultation and throughout the parliamentary process with SCTS and COPFS, for example.

41. However, SCTS has said that there are some examples of when the Scottish Government has not engaged with them until late in the process, or not at all, when developing **regulations and Scottish Statutory Instruments** that impact on the criminal courts and justice partners. Failure to consult all relevant partners early on about proposed changes to the legislative framework risks weakening strategic alignment



Legislative provisions are individual sections within a piece of legislation setting out specific requirements and powers.



Regulations and Scottish Statutory Instruments are forms of secondary legislation. These allow the Scottish Government, and in some cases the Lord President of the Court of Session and Lord Justice General of Scotland, to make changes to laws.

and makes it harder to understand how operational factors can support, delay or hinder delivery.

42. All new legislation is subject to formal public consultation, which follows on from this earlier engagement with key stakeholders. Justice partners have routinely responded to the consultations around transformation of the criminal justice system, ensuring their viewpoint is considered.

Governance and accountability arrangements continue to evolve and present challenges

(Exhibit 2, 2023 Recommendation 4)



43. Establishing effective governance and accountability arrangements for the three transformational change programmes, which are interdependent but differ in content and structure, has been challenging for the Scottish Government. Since the programmes began, the Scottish Government has updated the arrangements, and these are still evolving (Exhibit 6, page 21):

- Reports on progress towards meeting the aims in The Vision for Justice should be presented to the **Justice Board**. However, there has been no reporting at this level on progress towards addressing the impact of the pandemic and continuing to renew and transform justice in Scotland (Aim 5).
- The **Criminal Justice Board** (CJB) is responsible for setting programme priorities, ensuring activity aligns with The Vision for Justice, and monitoring progress against programme outcomes. Between September 2024 and August 2025, CJB activity focused on addressing challenges related to the rising prison population, leading to reduced focus and oversight of transformational change programme activity. However, quarterly reporting to this group on performance and outcomes, including risks, did continue.
- In 2023, two multi-agency programme boards were set up:
 - The Community Justice Programme Board was set up to support delivery and accountability, and help to manage and reduce risks, around shifting the balance between custody and justice in the community (TCP2). This continues to operate and meets every eight weeks.
 - A new Criminal Justice Programme Board was established to assess and monitor progress and delivery of TCP1 and TCP3 and support cross-sector working for criminal justice system efficiency projects. This board has not met since summer 2024 due to difficulties around stakeholder engagement, governance and accountability arrangements, and internal resourcing.



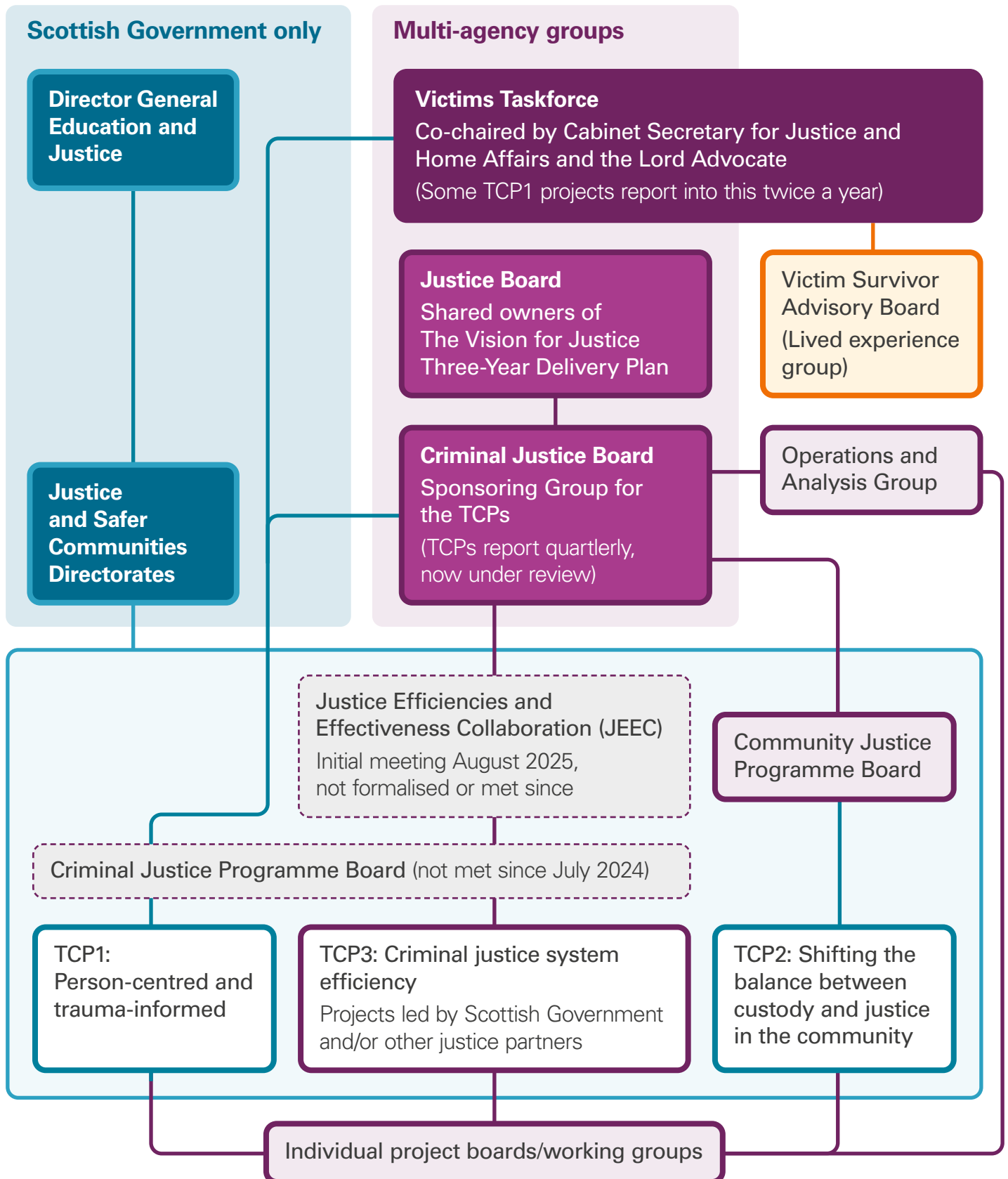
Justice Board membership

includes: Scottish Government; Community Justice Scotland; Crown Office and Procurator Fiscal Service; Police Scotland; Scottish Children's Reporter Administration; Scottish Courts and Tribunal Service; Scottish Fire and Rescue Service; Scottish Legal Aid Board; Scottish Police Authority; and Scottish Prison Service.

Criminal Justice Board membership includes: Scottish Government; Community Justice Scotland; Crown Office and Procurator Fiscal Service; Police Scotland; Risk Management Authority; Scottish Courts and Tribunal Service; Scottish Legal Aid Board; Scottish Prison Service; and Social Work Scotland.

Exhibit 6.

Governance and accountability map for the Justice Transformational Change Programmes (TCPs)



44. The Scottish Government has worked with partners to develop a more effective approach to managing the criminal justice system efficiency programme (TCP3) because of the range of project leads involved. In summer 2025 there was a proposal for a Justice Efficiencies and Effectiveness Collaboration (JEEC) to replace the Criminal Justice Programme Board, which last met a year earlier. The JEEC will have a wider remit than the original eight TCP3 projects and members will be accountable to their own organisations. However, despite an initial meeting in August 2025, the JEEC has not yet been formally established, or met since, due to lack of Scottish Government resource.

45. Although some TCP1 (person-centred trauma-informed) projects also sit within the Victims Taskforce governance arrangements, the Criminal Justice Programme Board was responsible for monitoring and tracking TCP1 programme activity. As this board has stopped meeting, and the JEEC will focus on TCP3, there is no longer oversight of TCP1 projects at this level.

46. In 2020 the Scottish Government established a cross-sector Operations and Analysis Group to provide a system-wide perspective on challenges and to generate insights based on data analysis and operational experience. This group did not meet between spring 2024 and summer 2025 but has now been re-established after a six-month trial.

The Scottish Government has found it difficult to implement a programme management approach

(Exhibit 2, 2023 Recommendation 4)



47. The Scottish Government wanted to implement a programme management approach to the transformational change work, due to the interdependencies of the three programmes and the range of projects within each. This approach means the Scottish Government plays a central role in monitoring and assessing progress of projects led by different partners. It is intended to help increase visibility of individual projects and system-wide impact across partners, and support system-level transformation planning and collaborative delivery.

48. Clear programme management arrangements can help to: clarify lines of accountability and transparency; enhance progress monitoring procedures and processes for identification, escalation and addressing of risks; and support the coordination of a range of projects, led by multiple stakeholders.

49. There has been some benefit to this programme approach, such as helping to raise the profile of the work with stakeholders, reduce silo working, and align the three programmes and projects with outcomes.

However, it has been particularly difficult to implement in relation to the criminal justice system efficiency programme (TCP3). For example:

- TCP3 is a collection of related, pre-existing projects, which were not designed as an overall programme or agreed jointly across all partners. Those led by justice partners were already operating within their own governance and accountability arrangements and project management frameworks, including reporting and monitoring requirements.
- The programme approach requires data sharing and reporting across partners to allow for the presentation and analysis of programme level information, including assessment of overall progress. Multiple partners are involved, each with their own governance and accountability arrangements. This can make it difficult for the Scottish Government to access and coordinate data and information to demonstrate delivery and outcomes, both at a project and system level. Evidence-based information is important when making decisions about the allocation of public funds.

50. Programme managers play a key role in gathering data from across partners, aligning projects, and facilitating reporting and assurance activity, for example. The Scottish Government has found it difficult to fill programme manager posts, particularly for TCP1 (person-centred trauma-informed) and TCP3 (criminal justice system efficiency). This has led to:

- reduced programme level activity and weakened oversight and monitoring, making it difficult to report on efficiency, effectiveness and progress towards outcomes at a system-level
- delays and risks to delivery for some projects and actions, such as the systems health check work
- times when programme level activity has been paused to move resource to other areas of work (eg, TCP2 resources were diverted to work around the early release of prisoners in 2025).

Risk management processes are in place, but they vary across programmes and are not always effective

(Exhibit 2, 2023 Recommendation 4)



51. Programme and project management arrangements should include a systematic approach to risk management, to enable the identification of risks and mitigating actions to delivering the transformational change programmes and projects and reducing the court backlog. The Scottish Government has risk management processes in place for all three transformational change programmes, but they vary and are still evolving.

For example:

- An overarching Criminal Justice Board risk register covering all three transformational change programmes was not put in place until late 2025.
- TCP1 (person-centred trauma-informed) and TCP2 (shifting the balance between custody and justice in the community) both have individual programme risk registers, although the latter was not in place until December 2025.
- There is no risk register currently active for TCP3. This is because no programme manager is in place and a programme level group is not operating.
- A **RAID log** from early 2024 identified notable risks in relation to TCP3 (criminal justice system efficiency). These included programme and project resourcing, stakeholder buy-in and alignment of the programme to a key outcome of reducing journey times. This log has not been updated since.
- Some, but not all, transformational change projects have their own multi-agency board or working group, where risks are reported to partners.



A **RAID log** is a project/programme management tool to monitor Risks, Assumptions, Issues and Dependencies.

52. Escalation processes are clearly set out but are not always implemented effectively. Although the TCP3 resource challenge has been persistently marked amber or red in risk documentation since the programme was established, this was not formally escalated until September 2025. This has not yet been addressed and there remains a lack of resource to drive the programme forward. Risk management arrangements that are not fully developed or implemented can increase the likelihood that programme outcomes, including improvements to court efficiencies to help reduce backlogs, are not delivered.

53. Justice partners use their own risk management processes for the projects they lead on, but risks can also be escalated through multi-agency oversight arrangements, including the Criminal Justice Board.

There has been limited public reporting on, or evaluation of, the transformational change projects

(Exhibit 2, 2023 Recommendations 4 and 6)



54. Although reporting of criminal courts backlog and waiting times data has improved, there is limited public reporting on transformational change programme activity or individual projects. The Criminal Justice Programme Board published its minutes until it stopped meeting in July 2024. These often included summaries of the highlight reports for TCP1 and TCP3, as well as updates on individual project progress. Since then, there has been no similar reporting of this activity.

55. The Scottish Public Finance Manual provides guidance on the proper use of public funds, including expectations around appraisal and evaluation. Evaluations are an important part of project planning and should be carried out at relevant stages of a project.

56. The delivery plan includes proposed dates for evaluations of some transformational change programme projects. Only a limited number of evaluations have been carried out by project leads. This is partly due to the challenges in developing some projects (eg, Remote Provision of Evidence), and some not being at an appropriate stage for evaluation.

57. Evaluations can play an important role in decision-making about roll-out and future funding. The judicially-led Summary Case Management (SCM) project has been subject to three evaluations. The two evaluations of the SCM pilot contain quantitative and qualitative data from operational stakeholders. They do not include the views of victims, witnesses or accused individuals, or any financial analysis to assess value for money. The lessons learned from the pilot evaluations were then used to roll out the programme across Scotland. A separate evaluation of the roll-out was published in May 2026 ([Case study 1](#)).

58. The Digital Evidence Sharing Capability pilot, with delivery led by Police Scotland, was continued and then rolled out following an early evaluation of Phase 1 of the pilot in 2023 ([Case study 2, page 33](#)). The Body Worn Video pilot, also led by Police Scotland, was rolled out without any formal evaluation of its impact.

Case study 1. Summary Case Management

Summary Case Management (SCM) is a transformational change project led by Sheriff Principal Aisha Anwar and a multi-agency SCM Board. It involves early disclosure of evidence, early engagement between the defence and the prosecution and proactive judicial case management to lead to the early resolution of cases where appropriate.

SCM aims to decrease the number of witness citations, the number of scheduled trials where no evidence is presented, and how often court hearings are stopped and then need to be rescheduled (known as adjournments). SCM has successfully changed both process and culture.

SCM was first piloted in Dundee, Hamilton and Paisley Sheriff Courts in September 2022. It was then extended to domestic abuse cases in Glasgow Sheriff Court in January 2023 and to Perth Sheriff Court in May 2024. During 2025 and 2026 it was rolled out to all sheriff summary courts across Scotland to embed a consistent approach to case management.



Case study 1. Summary Case Management (SCM) continued

In the pilot evaluations criminal justice organisations highlighted the key benefits as:

- increased early resolution of cases and a reduction in the number of evidence led trials (where witnesses appear and evidence is presented), minimising trauma, inconvenience and delay for complainers, witnesses and accused
- early engagement with complainers in domestic abuse cases, leading to increased confidence in the criminal justice system
- positive impacts on criminal justice journey times (although this has not been quantified)
- a reduction in the number of police witness citations.

During the 19-month long pilot, it is estimated that because of SCM, 530 summary trials did not require to be fixed because of early resolution and 18,000 witnesses (of which 11,000 were police) were not cited or recited.

By January 2026, SCM had been rolled out nationally and a report published in May 2026 highlighted that:

- scheduled summary trials had decreased to 27 per cent below the pre-pandemic baseline (the reduction was 30 per cent for domestic abuse trials)
- since May 2023, witness citations, both overall and for the police, have fallen by 47 per cent in summary cases, and in domestic abuse cases they have fallen by 36 per cent overall, and 41 per cent for police
- the percentage of summary trials adjourned fell from 40 per cent to 27 per cent, and in domestic abuse cases from 40 per cent to 30 per cent
- between 2021/22 and roll-out, the proportion of non-domestic abuse cases concluding before going to trial increased from 51 per cent to 59 per cent, and for domestic abuse cases from 39 per cent to 48 per cent.

The national rollout report concluded that SCM has 'contributed to a sustained system-wide recovery post-pandemic in scheduled trials. It has created a significantly more efficient approach to trials than that which existed pre-pandemic'. Due to the success in reducing the number of summary court trials, there are ongoing discussions about whether a similar approach could be taken in solemn court cases.

Savings from SCM have yet to be quantified.

Source: [SCTS Summary Case Management Pilot Final Evaluation](#), September 2024 and [SCTS Summary Case Management National Rollout Report](#), May 2026

Engaging with people using the criminal justice system is improving, but their experience is not yet embedded in transformation work

(Exhibit 2, 2023 Recommendation 3)



59. Attending court, as a victim, witness, accused person, or family member, can be a difficult experience. This can be exacerbated by waiting a long time for a case to be heard. Waiting times are longest for the most serious cases, where individuals are most likely to experience substantial trauma. There can be an unequal impact on different groups, for example:

- Children and young people – as victims or witnesses, or with a parent held on remand. Delays can take up a large period of a child, or young person's life and the emotional, social, developmental and educational impact can be severe.¹ Family relationships can be put at risk.²
- Women – are more likely to be victims of sexual violence and abuse and there has been a large increase in serious sexual offences and gender-based violence.³
- Remand population – the number of people and length of time spent on remand has increased, partly due to court backlogs. Remand prisoners are confined to cells for longer than convicted prisoners, and are less able to access employment, exercise, and dental services. Long waiting times and uncertainty about trial dates mean employment and housing arrangements can be at risk.⁴

60. Overall, the Scottish Government and justice partners are getting better at engaging with, listening to and responding to, victims and witnesses, as well as the legal profession. The Scottish Government published consultation analysis on improving victims' experiences of the justice system in 2022, with updated feedback added in 2023.

61. Although there is no overall agreed approach to embedding lived experience in the transformational change programmes, TCP1 and TCP2 involve people who use relevant services:

- Some TCP1 (trauma-informed person-centred) projects are informed by lived experience, with strong and regular engagement through the **Victims Taskforce**, and its **Victim Survivor Advisory Board**.
- TCP2 (shifting the balance between custody and justice in the community) hears and considers views of people who use the justice system at the Community Justice Programme Board, which has third sector representation through the Criminal Justice Voluntary Sector Forum.



The **Victims Taskforce** brings together senior criminal and community justice policy and decision-makers, the legal profession, academics and the voluntary sector. It coordinates and drives action to improve the experiences of victims and witnesses, while ensuring a fairness for those accused of crime.

It is informed by the **Victim Survivor Advisory Board**: a group created to ensure that the voices and lived experiences of victims and survivors of crime directly inform the work of the Victims Taskforce and justice policy, and to improve accountability. It includes adult victims and survivors, as well as victim support organisations. It is co-convened by Victim Support Scotland, Rape Crisis Scotland and Scottish Women's Aid.

62. TCP3 (criminal justice system efficiency) does not have an agreed approach to engaging with people who use court services or representative organisations. This reflects the range of stakeholder-led projects with different approaches included in this programme.

Equality impact assessments have not been carried out for most projects within the transformational change programmes

(Exhibit 2, 2023 Recommendation 7)



63. The [public sector equality duty](#) legally requires public bodies to consider, and keep reviewing, how they are promoting equality in their day-to-day business. This includes in their decision-making, internal and external policies, and the services they provide. Public bodies implementing a new or revised policy must publish the results of any equality impact assessments within a reasonable time. The Scottish Government's [Equality outcomes 2025–2029](#) commit to activity to support greater consistency and stronger leadership for impact assessments. Its [Equality and human rights mainstreaming strategy 2025–2030](#) emphasises the importance of robust equality impact assessments in embedding evidence and lived experience into policy, and improving outcomes for all communities in Scotland.

64. The Scottish Government carries out equality impact assessments for all new legislation and [these are published on its website](#). Equality impact assessments have not been routinely carried out for the projects it leads across the transformational change programmes:

- Only a small number of equality impact assessments have been carried out for TCP1 (trauma-informed person-centred) projects.
- No equality impact assessments have been carried out for TCP3 (criminal justice system efficiency) projects. This lack of assessment is attributed to resource challenges.

65. An overarching equality impact assessment was carried out for the National Strategy for Community Justice and its delivery plan, to which TCP2 (shifting the balance between custody and justice in the community) projects directly link. The equality impact assessment suggested the strategy and delivery plan would have an overall positive impact. It highlighted a need for further consideration of the use of electronic monitoring for disabled people through a justice social work assessment.

66. SCTS has improved its equality process in response to our previous report. Internal audit reviewed SCTS's diversity and equality process and it subsequently developed an equality impact and assessment approach. Despite this new process, no equality impact assessments have been

carried out by SCTS for transformational change programme work it is leading. Limited activity was attributed to resource pressures.

67. The Scottish Police Authority and Police Scotland carried out a full equality impact assessment for the DESC (Digital Evidence Sharing Capability) programme in collaboration with justice partners. It considered the impact of DESC on the nine protected characteristics and included a mitigating action plan. The equality impact assessment highlighted several assessment gaps, such as sexual orientation and race, which were rectified in the final document. Issues raised about the impact of DESC on age, race and disability, resulted in several actions including training for staff and people using the services, providing access to translators, and testing the system for accessibility.

3. Transforming the criminal justice system

Partners work well together but there are several risks that could affect longer-term criminal justice system transformation, some of which are long standing

68. This audit has identified a range of risks that could impact on the effective management of court backlogs, as well as the reform of the wider criminal justice system needed to address current challenges and inefficiencies. Some risks were identified in our 2023 audit and new risks have emerged in the last few years.

- Funding to support transformation** – Public services continue to operate within a tight fiscal environment. The Fraser of Allander Institute has said it will be difficult to deliver planned efficiencies due to the cuts to the justice and home affairs portfolio spending plans set out in the 2026 spending review.⁵ The Criminal Justice Committee made recommendations for increasing funding for the five main justice bodies (Police Scotland, SCTS, Scottish Prison Service, COPFS, and Scottish Fire and Rescue Service).⁶ The 2026/27 budget settlement did not fully reflect the funding requests submitted by these organisations. SCTS has said it will be challenging to increase the number of High Courts to address rising demand within its existing budget and is currently exploring if it would be possible to redirect resources from other priorities. Delays in progressing some key transformation projects, such as expanding the use of Remote Provision of Evidence, are attributed to lack of funding. Most projects have not had additional funding to implement them, and justice partners have had to carry out transformation work within existing budgets.
- Staffing capacity across the criminal justice sector** – The Scottish Government and justice partners report ongoing challenges with staff capacity issues which could limit the extent and pace of transformation they can make within the criminal justice system. The increasing number of serious, complex cases creates pressures across the police, prosecution, defence agents, courts, and the prison service. The complex nature and higher likelihood of accused individuals pleading not guilty in High Court cases lengthens the timeline, meaning staff from all organisations are involved in the case for longer periods of time. These cases also have the highest proportion of custodial sentences, and often involve prisoners with complex needs, creating pressures for prison staff.

- **Programme management and governance and accountability arrangements** – Current arrangements are not effectively supporting progress and oversight of the transformational change programmes, particularly for criminal justice system efficiency (TCP3). There is a risk that if improved management arrangements are not put in place, transformational change of the criminal justice system will be delayed or not progress.
- **Interdependencies between parts of the criminal justice system** – There are pressures in all parts of the criminal justice system and change in one area often impacts on another. There is an ongoing challenge with Scotland's rising prison population, including an increase in remand and older prisoners. This has reduced the sector's ability to deliver transformation activity as planned. A growing High Court backlog increases the likelihood of people being held on remand in prison awaiting trial for longer. The increase in serious cases is also leading to more lengthy custodial sentences. Changes in the criminal justice system can also impact on other public services, such as health and social work, and vice versa. It is important that transformational change project leads assess the impact of their work on other parts of the system and services.
- **Defence practitioners and legal aid** – Some stakeholders remain concerned about the recruitment and retention of defence solicitors. Some of this is attributed to challenges relating to career progression and salary levels, and work life balance within the sector. Legal aid fees have also been a concern but there has been recent progress made on this. The Scottish Government has set up an Independent Fee Review Mechanism Group as part of work to develop a more transparent, evidence-based and sustainable approach to reviewing legal aid fees. The Scottish Parliament has approved funding for 40 new Legal Aid Traineeship places, and a 13 per cent increase in legal aid fees for solicitors from September 2026.
- **Unknown impact of recent legal judgments and new legislation on court processes** – There have been several rulings on legal judgements that could further affect the already increasing volume of High Court cases and waiting times. These could lead to an increase in appeals from those convicted of a sexual offence since 2013 and increase the proportion of rape allegations that may be assessed as suitable for prosecution.⁷

There are several opportunities that could help justice partners to further reduce backlogs and improve efficiency

69. With a refreshed Vision for Justice due to be developed and published later in 2026, there are several opportunities that could aid progress in reforming the criminal justice system. Many of these also link

to the national [Public Service Reform Strategy](#) and its aims to make services more preventative, joined-up and efficient while empowering communities and improving outcomes for people.

- **Digital transformation** – Criminal justice digital capability in Scotland is widely acknowledged to be behind other parts of the UK. Data in the justice system is siloed, with many paper-based processes in place. Some electronic systems are outdated and unable to interact with other systems within organisations or across partners. The Scottish Government’s Directorate for Justice, with support from justice partners, was successful in a bid to the **Invest to Save Fund** in 2025 for the Digital Front Door project and the 2026/27 Scottish Budget included £1 million to fund it. Some key justice partners have reported the scale of digital reform means justice partners will be unable to fund the work from existing budgets.
- **Transformational change projects** – The work of TCP3 has potential to make significant improvement to the efficiency of the criminal courts system. Summary Case Management ([Case study 1, page 25](#)) and Digital Evidence Sharing Capability ([Case study 2, page 33](#)) projects are examples where impact is already being seen through the pilots and wider roll-out. However, resourcing and other system challenges mean there is a risk that this transformational change work is not always getting the prioritisation needed to deliver outcomes at the pace required.
- **Whole-system approach to data and modelling** – The Scottish Government’s justice directorate is working to get regular and reliable data from partners across the system, to allow them to develop an approach to modelling whole-system throughput with greater accuracy. This work is complex and difficult, but if achieved it could help improve efficiency and mitigate against future risks.
- **New legislation** – There have been several pieces of recent legislation that offer opportunities for the criminal justice system, including:
 - The [Victims, Witnesses and Justice Reform \(Scotland\) Act 2025](#) introduced the development of a specialist sexual offences court, separate from the sheriff courts and High Court. This has potential to help reduce sheriff solemn and High Court backlogs and waiting times and provide a trauma-informed service to victims and witnesses. However, SCTS say this will need additional support to implement.
 - The [Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews \(Scotland\) Act 2025](#) aims to improve efficiency and effectiveness and make permanent some changes brought in during the pandemic. This includes virtual hearings, electronic signatures and transmission of court documents, and greater use of digital evidence.

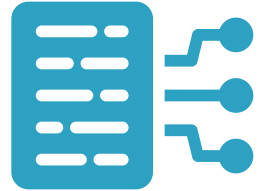


The **Invest to Save Fund** is a £30 million Scottish Government funding programme. It is designed to help the public sector improve how services are delivered by investing upfront to make changes that allow for longer-term savings and improved outcomes.

Case study 2.

Digital Evidence Sharing Capability

Digital Evidence Sharing Capability (DESC) is a £33 million digital programme within TCP3 (criminal justice system efficiency). It is a collaborative programme involving a range of justice partners (eg, COPFS and SCTS). Police Scotland leads the work and is responsible for operational delivery, while the Scottish Government is responsible for managing the contract.



DESC allows the collection, management and sharing of digital evidence, such as CCTV and mobile phone footage and body worn video. Benefits of using DESC include earlier case assessment and disclosure to defence agents, which can lead to fewer cases coming to court and cases concluding quicker, and fewer victims and witnesses having to attend court. A pilot was carried out in Dundee during 2023, and partners reported that around 19,500 pieces of evidence were handled through DESC, with almost 550 hours of police officers' time freed up.

Due to the success of the pilot in Dundee, DESC has been rolled out across Scotland on a phased basis and was completed in September 2025. Police Scotland and partners are now looking at ways DESC could be used in solemn proceedings.

Source: Police Scotland, Scottish Government, Scottish Police Authority and Audit Scotland

70. Overall, criminal justice partners work well together, and they should continue to build on the improved working relationships that developed during the pandemic. Increasing pressures across the criminal justice system means that service reform is urgent. The transformational change needed will require a whole-system approach and effective collaborative working.

Endnotes

- 1 Victims Taskforce papers, Scottish Government, January 2022.
- 2 Justice That Works: Report of the Scottish Sentencing and Penal Policy Commission, February 2026.
- 3 Official report from Criminal Justice Committee – 3 November 2021, Scottish Parliament, November 2021.
- 4 Remand Prisoners' Experiences in the Scottish Prison System: An HMIPS Analytical Review, HMIPS, 2025.
- 5 [Budget – day 3 reaction – Council tax & the Spending Review](#), Fraser of Allander Institute, 15 January 2026; [Scottish Spending Review 2026](#), The Scottish Government, January 2026.
- 6 [Criminal Justice Committee Report on its Pre-Budget Scrutiny 2026/27](#), 19 December 2025.
- 7 His Majesty's Advocate v CLB [2023] HCJAC 40, Appeal Court of the High Court of Justiciary, 18 October 2023; His Majesty's Advocate v PG and JM [2024] HCJAC 43, Appeal Court of the High Court of Justiciary, 30 October 2024; Daly v His Majesty's Advocate; Keir v His Majesty's Advocate [2025] UKSC, judgment 12 November 2025.

Appendix

The three Justice Transformational Change Programmes in 2023

Programme	Scope (lead partner)	Outcomes
TCP1 Person-centred and trauma-informed	• Implementation of the Trauma-Informed Justice Knowledge and Skills Framework (Scottish Government) • Improving communications for victims and survivors (Scottish Government) • Expansion in use of Victim Statements (Scottish Government) • Extending use of Restorative Justice (Scottish Government) • Expansion of use of Pre-Recorded Evidence (Scottish Government)	• Victims feel like they have been treated with compassion • Victims' voices are heard • Victims feel informed about their case and know what their rights are • Victims feel safe • Victims are given choices
TCP2 Shifting the balance between custody to justice in the community	Focuses on delivery of the National Strategy for Community Justice: • Strengthening alternatives to remand (Scottish Government) • Optimising operating model for home detention curfew (Scottish Government) • Improving information sharing with Justice Social Work (Scottish Government) • Strengthening the Community Justice evidence base (Scottish Government) • Principles for future review of Justice Social Work funding (Scottish Government) • Diversion from prosecution – implementation of joint review recommendations (Scottish Government)	• Shift in the balance between custody and community • Reduced reoffending

Cont.

Programme	Scope (lead partner)	Outcomes
TCP3 Criminal justice system efficiency	• System Health Check (Scottish Government) • National Witness Gateway (Scottish Government) • Digital Evidence Sharing Capability (DESC) (Scottish Government for contract/ Police Scotland for delivery) • Remote Provision of Evidence (SCTS) • Summary Case Management Pilot (SCTS) • Trauma-Informed Domestic Abuse Model (SCTS) • Reduce Journey Times (Court Recovery Programme) (Scottish Government/ SCTS/ COPFS) • Body Worn Video (Police Scotland)	• Increased effectiveness: everyone involved in the justice sector has an improved experience and staff time is used on value added tasks • Increased availability of data and information: data and information are easily accessible when needed • Increased use of digital: more justice services and processes are delivered digitally

Source: [The Vision for Justice Three-Year Delivery Plan](#), Scottish Government; and Scottish Government evidence submission

The Scottish Government published The Vision for Justice Three-Year Delivery Plan in November 2023. It includes details of three transformational change programmes, although the scope of TCP2 was still to be decided. The scope of TCP2 presented in this table reflects the position in December 2023, based on information provided by the Scottish Government.

Projects included in the scope of the three programmes have evolved and changed since the delivery plan was published.

Criminal courts backlog follow-up

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