PPC/S7/26/6/2

Public Petitions Committee
Thursday 19 November 2026
6th Meeting, 2026 (Session 7)

PE2248: Stop prison overcrowding by changing how prisoners are released or sentenced

Introduction

Petitioner	Joanne Phillips
Petition Summary	Calling on the Scottish Parliament to urge the Scottish Government to reform sentencing guidelines and expand funding for community-based rehabilitation programmes to safely reduce prison overcrowding.
Website	https://petitions.parliament.scot/petitions/PE2248

1. This is a new petition that was published on 26 August 2026.

2. A full summary of this petition and its aims can be found at **Annexe A**.

3. Every petition collects signatures while it remains under consideration. At the time of writing, 29 signatures have been received on this petition.

4. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.

5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.

6. The Committee has received submissions from the Scottish Government and the Petitioner which are set out in **Annexe C** of this paper.

Action

7. The Committee is invited to consider what action it wishes to take.

Clerks to the Committee
November 2026

Annexe A: Summary of petition

PE5295: Stop prison overcrowding by changing how prisoners are released or sentenced

Petitioner:

Joanne Phillips

Date Published:

26 August 2026

Petition summary:

Calling on the Scottish Parliament to urge the Scottish Government to reform sentencing guidelines and expand funding for community-based rehabilitation programmes to safely reduce prison overcrowding.

Background information:

Long-term prisoners make up roughly 66% of Scotland's overall prison population, which is why previous emergency measures targeting only short-term inmates failed to resolve the overcrowding crisis.

To address this gap, the Scottish Government has launched an open consultation to legally change the rules for long-term prisoners. Under the current system, long-term prisoners are typically held until six months before the end of their sentence.

The new Scottish Government proposal would change this so that long-term prisoners serving more than five years would be automatically released after serving two-thirds of their sentence, serving the remaining third under strict community supervision and license conditions.

The petition is intended to support and encourage the same direction of reform proposed in the Scottish Government consultation, particularly the proposal that long-term prisoners serving more than five years should be automatically released after serving two-thirds of their sentence under strict licence conditions and community supervision.

Annexe B: SPICe Briefing

Scottish Parliament Information Centre
Ionad Fiosrachaidh Pàrlamaid na h-Alba

Briefing for the Public Petitions Committee on petition PE2248: Stop prison overcrowding by changing how prisoners are released or sentenced, lodged by Joanne Phillips

Introduction

The petition calls on the Scottish Parliament to urge the Scottish Government to "reform sentencing guidelines and expand funding for community-based rehabilitation programmes to safely reduce prison overcrowding".

It expresses support for proposals set out in a Scottish Government consultation on the prison population and penal reform (closed 20 August 2026). In doing so, it highlights a proposal to reintroduce automatic early release for long-term prisoners after serving two-thirds of their sentence.

Background

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".

In February 2026, the report of an independent Sentencing and Penal Policy Commission was published by the Scottish Government. The report is broad in its scope, covering the prevention of crime; alternatives to prosecution; bail and remand; community and custodial sentences; and release from custody.

In June 2026, the Scottish Government published the above-mentioned consultation on the prison population and penal reform (closed 20 August). The website noted that:

> "This consultation seeks views on a set of proposed reforms to the criminal justice system in Scotland, building on the recommendations of the Sentencing and Penal Policy Commission and seeking to reduce the demand for prison places where appropriate."

The consultation highlighted steps which had already been taken to mitigate a rising prison population but went on to say that they have been insufficient to deliver a sustainable prison population. It sought views on further potential reforms in the following areas:

- strengthening and supporting the use of the presumption against short sentences (e.g. by stating that short sentences should only be used in exceptional circumstances)
- extending the presumption against short sentences from 12 to 24 months
- enhancing and strengthening community sentences (e.g. to help ensure that community payback orders are seen as a credible alternative to custodial sentences)
- electronic monitoring (e.g. strengthening police powers to enforce exclusion zones)
- bail and remand (e.g. providing that a person should be released on bail unless there is a reasonable prospect that conviction will lead to a custodial sentence of at least 24 months)
- automatic early release for long-term prisoners (e.g. reinstating automatic early release after serving two-thirds of the sentence in custody)
- changing the definition of a short-term prisoner to include all those sentenced to less than five years (thus expanding the application of the short-term prisoner automatic early release provisions).

In an initial written response to the petition (October 2026) the Scottish Government comments that, now the consultation has closed, it is considering the submissions ahead of taking any next steps.

More general information on prisons is provided in a SPICe subject profile on prisons (June 2026).

Key organisations

- HM Inspectorate of Prisons for Scotland
- Howard League Scotland
- Scottish Prison Service
- Victim Support Scotland

Frazer McCallum
Senior Researcher
2 November 2026

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot.

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these

briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Published by the Scottish Parliament Information Centre (SPICe), an office of the Scottish Parliamentary Corporate Body, The Scottish Parliament, Edinburgh, EH99 1SP.

Annexe C: Written Submissions

PE2248/A: Stop prison overcrowding by changing how prisoners are released or sentenced

Scottish Government written submission, 29 October 2026

Does the Scottish Government consider the specific ask[s] of the petition to be practical or achievable? If not, please explain why.

Responding to the focus of the petition on changes the automatic early release point for certain long-term prisoners (which is separate to the two policy areas cited in the summary), as the petitioner notes, the Scottish Government has recently consulted on this as part of its Prison population and penal reform: working towards sustainability consultation.

This followed the Sentencing and Penal Policy Commission's recommendations, and the measures set out in the consultation aim to reduce pressure on the prison estate, support reduced reoffending, strengthen community-based interventions, and protect the public.

This included seeking views on whether, if not already released on parole, some long-term prisoners should spend a third of their sentence under supervision and licence conditions in the community, as opposed to the current release six months before the sentence end date.

The consultation paper sets out the practical considerations for this proposal. Prior to the Commission recommendations, the Scottish Government consulted in July 2024 on a proposal to bring forward the point at which some long-term prisoners are released. An analysis of this consultation was published on 10 October 2024.

The consultation has now closed and the Scottish Government is considering the responses ahead of taking any next steps. This consideration of responses will include the practical implications of this measure should it be pursued.

For completeness given two other policy areas are referenced in the summary of the petition, we provide the following information:

Sentencing Guidelines

Sentencing guidelines are the responsibility of the independent Scottish Sentencing Council, and decisions to approve any guidelines it proposes are for the High Court.

Community-based rehabilitation

Finally, with regard to the suggestion that funding for community-based rehabilitation programmes be expanded, the Scottish Budget for 2026/27 includes a further £10m for community justice, building on the £25m of additional funding committed in the previous two years. This brings the total budget for community justice to £169m, recognising the key role that such services play in our justice system. Most of this investment is providing support for local justice social work services to expand the availability of alternatives to custody. Funding for Justice Social Work Services has

increased from £95m in 2016-17 to the proposed £148m in 2026/27 (an increase of 56% over this period).

This investment is complemented by our continued support for a range of community justice partners. This includes our commitment to supporting the third-sector and this year we are investing £8.8m. This includes £5.3m of investment per annum over 3 years from 2025/26 in throughcare support for people leaving prison, helping them to successfully resettle in their communities and reducing their risk of reoffending.

What, if any, action is the Scottish Government currently taking to address the issues raised by this petition, and is any further action being considered that will achieve the ask[s] of this petition?

As set out in the Programme for Government, a rising prison population reflects action we have taken to strengthen the justice system, resulting in more convictions for serious and organised crime, as well as historical and recent sexual offences. But a high prison population does not automatically mean a safer society. Overcrowding in prisons undermines their ability to operate safely and to effectively rehabilitate prisoners.

Prison will always be necessary, particularly for those who pose a significant risk to public safety, and we are rapidly developing plans to expand the prison estate to ensure that they can operate safely and effectively.

However, we also agree with the conclusions of the Sentencing & Penal Policy Commission, which emphasised the need for a greater focus on the use of community-based interventions while robustly protecting victims and the wider public.

Over this Parliament, we will work to achieve a sustainable prison population – focusing on offering alternatives to custody and taking a preventative approach to crime, while continuing to prioritise the safety of women and the wider community, and the need for survivors' voices to be heard.

Our approach will seek to combine an expansion of the prison estate with more robust community alternatives and reforms to how release and parole are managed, including:

- Opening two new prisons – HMP Highland and HMP Glasgow – to expand and modernise the prison estate, as well as developing plans to further increase capacity and ensure those in custody can be safely and effectively rehabilitated.

- Investing in justice social work, third sector, and related services to deliver effective community sentences and early interventions, and expand the use of electronic monitoring, including GPS technology

- Exploring a range of reforms to reduce the demand for prison places and prevent reoffending, with a focus on reducing the use of remand, ensuring community sentences are flexible and robust, and improving how long term prisoner release operates. This will include considering responses to the

Prison population and penal reform: working towards sustainability
consultation, to inform decisions on what legislative changes are necessary.

Community Interventions Unit, Community Justice Division