

Criminal Justice Committee  
Wednesday 6 November 2024  
33rd Meeting, 2024 (Session 6)

## Courts and the Scottish Prison Service – Pre-budget Scrutiny

### Note by the clerk

#### Introduction

1. Each year, subject committees in the Parliament carry out pre-budget scrutiny in advance of the publication of the Scottish Government's budget for the forthcoming financial year.
2. The aim is for the committees to collect evidence on spending priorities and make recommendations to the relevant Cabinet Secretary before the Scottish Government finalises its budget.
3. At this evidence session on the proposed 2025/26 budget, the Committee will hear from:
  - Malcolm Graham, Chief Executive, Scottish Courts and Tribunals Service
  - John Logue, Crown Agent, Crown Office and Procurator Fiscal Service

#### Followed by

- Teresa Medhurst, Chief Executive
  - Linda Pollock, Deputy Chief Executive
  - Gerry O'Donnell, Director of Finance, Scottish Prisons Service.
4. At previous meetings this year, the Committee heard from:
    - Scottish Fire and Rescue Service, FBU and the FRSA
    - Community Justice Scotland and Social Work Scotland
    - Police Scotland and the Scottish Police Authority.
  5. At the next meeting, the Committee will hear from the Cabinet Secretary for Justice and Home Affairs. Thereafter, the Committee will produce a short report with its recommendations.
  6. The written submission that has been submitted from the above organisations is set out in **Annex A** to this paper.

#### Focus of the Pre-budget Scrutiny

7. Last year, the focus of the Criminal Justice Committee was a general one on the financial pressures on organisations in the criminal justice sector. The Committee's report is [published online](#).

8. This year, the Committee is again focusing on the financial pressures facing organisations in the criminal justice sector and views on the main priorities for 2025/26. Of particular interest to the Committee is the pressure on capital budgets and investment in policing, the fire and rescue services, prisons, courts, community justice, criminal social work and the third sector.

### **Action**

9. Members are invited to discuss budget matters with the witnesses at today's meeting.

**Clerks to the Committee  
November 2024**

## Annexe A

### Scottish Courts and Tribunals Service

Thank you for inviting the Scottish Courts and Tribunals Service (SCTS) to submit written evidence as part of the Committee's pre-budget scrutiny for 2025-26.

This letter sets the context and provides a summary of the financial support that will be required to enable SCTS to maintain business and service levels in the coming financial year, whilst taking forward a range of initiatives to support service improvement and reform.

SCTS would like to acknowledge the financial support provided by the Scottish Government over recent years. This has, with cross justice support, enabled us to manage a period of considerable change, focusing on innovation and our service users. That process of change and improvement is an ongoing one. In recent years we have been able to:

- Reduce the level of scheduled criminal trials by over 45% since 2021.
- Improve efficiency of practice in our Sheriff Courts, reducing the number of trials that need to be fixed and the number of witnesses who require to be cited.
- Improve the experience of victims and witnesses, minimising the potential for trauma – through the use of Evidence by Commissioner suites.
- Enable police and expert witnesses to give evidence remotely – creating real efficiencies for partners.
- Deliver new systems to reduce the need for physical attendance at court, enhancing access to justice.
- Manage an ever-increasing caseload across our tribunals – 88% increase in 2023-24 when compared to 2018-19.

Our ambition is to continue this programme of change, improving the experience of victims and witnesses, investing in services for all through modern, accessible systems access and completing a range of reforms. These reforms will deliver efficiencies for users and partners, modernise our service and, provided business levels remain stable, reduce our overall cost base in future years.

To assist the Committee in its scrutiny our evidence is broken into the following four sections:

- i Background and context (including an overview of our 2024-25 budget).
- ii SCTS Strategic Priorities – summary of progress.
- iii Resource budget – projections and requirements for 2025-26.
- iv Capital budget – pressures and requirements for 2025-26.

We have also included 2 separate appendices in support of this evidence:

- Appendix A: Criminal Court Modelling Report – October 2024;
- Appendix B: Summary Case Management Pilot – Final Evaluation Report.

## I. BACKGROUND AND CONTEXT

SCTS exists to support the efficient and effective administration of justice in Scotland. It does this by providing the people, buildings, systems and expertise to administer Scotland's courts, devolved tribunals and the Office of the Public Guardian and Accountant of Court – working in collaboration with a range of agencies making up Scotland's justice system.

Total SCTS resource expenditure in 2024-25 is forecast to be around £213m (see *table 1 for a breakdown of costs*). In addition to resource expenditure, our forecast capital expenditure for 2024-25 is £15m. The final figure will be dependent on in-year funding transfers, for areas that are activity led, such as members' fees in relation to business across the chambers of the First Tier Tribunal for Scotland and judicial vacancies.

Most of our expenditure is committed in advance and can be subject to fluctuations which are not within our control. A large proportion of our expenditure is exposed to inflation or subject to public sector pay policy. Table 1 summarises how we will use our budget in the current financial year. It provides a brief explanation of the key factors that dictate costs in each area and the key factors that can cause those costs to change.

Where a cost pressure is identified as “demand-led” this means that the cost can rise or fall dependent on the level and complexity of business that enters Scotland's courts, devolved Tribunals and the Office of the Public Guardian. SCTS is not in fully control of those input levels and must therefore flex its capacity to deal with changes – or allow case backlogs to accumulate should that not be possible.

*Table 1 – SCTS Resource Expenditure Forecast 2024-25*

<i>Table 1 – SCTS Resource Expenditure Forecast 2024-25</i> <b>Cost Category</b>	<b>2024-25 Forecast £m</b>	<b>What dictates cost in this area?</b>	<b>What drives future pressure on these costs?</b>
Pay	95.2	Fixed cost/Business volumes	SG Pay Settlement/Policy
Buildings (incl rent & facilities management)	34.0	Fixed cost	Inflation (e.g. energy)
Judicial Pensions	21.2	Fixed cost	Demand led/scheme rules
Judicial Costs	3.9	Business volumes	Demand led/inflation
Tribunal fees	14.7	Business volumes	Demand led/fee rates
Office Services	11.0	Business volumes / Digital development	Inflation/demand
Supplies & Services	2.5	Business volumes / Digital development	Inflation/demand
Training & Travel	1.1	Fixed cost	Inflation
Court recovery	18.8	Business volumes	Demand led

Juror costs	3.0	Business volumes	Demand led
Court Orders / Reports	4.5	Business volumes	Inflation
OPG Case Management System	2.7	Replace end of life system	Ongoing programme of system upgrades required across SCTS Business
<b>Total</b>		<b>212.6</b>	

*Note – the total forecast expenditure of £212.6m comprises of (a) £111.7m funding from the 2024 Budget Act (b) £47.5m of in year funding transfers provided by the Scottish Government to deal with variable in-year costs and (c) income of £53.4m collected by SCTS, principally fees in respect of civil court cases.*

## **II. SCTS STRATEGIC PRIORITIES – SUMMARY OF PROGRESS**

Our Corporate Plan for 2023-26 sets out our ambitions over that 3 year period, which we are now half way through. We have made significant progress over the past eighteen months to deliver against the strategic aims detailed in the plan – building on many of the digital developments we introduced during the pandemic to improve our service. Key to this success has been sustainable funding, enabling us to continue to modernise and improve while also managing an increasing level of cases across both the criminal courts and tribunals. Key successes over the past 12 months are summarised below.

### ***Criminal Court Recovery Programme***

While the backlogs generated by the pandemic have been largely addressed we continue to face growing business pressures, especially in relation to more serious criminal cases.

The aim is to return to a position where the number of scheduled trials across all criminal business types is below 20,000 – as this represents a manageable level of workload for the system. Since commencement of the programme scheduled trials have reduced by over 20,000 from their peak and sit at just over 23,000 as at the end of September 2024 – significantly reducing the waiting time in which victims, witnesses and accused await their trial. This has been achieved while managing a sustained increase in solemn business levels which were 28% higher in 2023-24 compared to 2021-22.

Our latest modelling report, attached at Appendix A, indicates that future transformation of the prosecution of sexual offences, including the impact of the 2023 Court of Appeal judgement on the law of corroboration, may further increase the level of petitions and subsequent solemn indictments. COVID recovery has been a success, but we have not returned to the pre-pandemic caseload. The growth in the number of serious cases, apparent before the pandemic, is continuing.

### ***Summary Case Management***

The Summary Case Management (SCM) Pilot commenced at Dundee, Hamilton & Paisley Sheriff Courts in September 2022. In January 2024, the pilot was extended

to domestic abuse cases in Glasgow Sheriff Court and, in May 2024, to domestic abuse cases in Perth Sheriff Court. In the 19 months of the pilot, the following outcomes have been achieved:

- approximately 530 summary trials did not require to be fixed. If SCM had been in place at a national level, it is estimated that 3,270 trials would not have been fixed;
- SCM mitigated the impact of higher levels of complaints registered in 2023-24 (14% increase when compared to the previous year). The volume of outstanding scheduled trials reduced by 31% in the pilot courts, whereas they increased by 10% in the non-pilot courts; and
- 18,000 witnesses were not cited or recited due to SCM. Of this, approximately 11,000 were police witnesses. If SCM had been in place at a national level, a further 89,000 witnesses would not have required to be cited or recited. Of these, approximately 50,000 would have been police witnesses.

Other benefits being derived from the pilot include:

- minimising the trauma, inconvenience and delay for complainers, witnesses and accused involved in relevant proceedings;
- early engagement with complainers in domestic abuse cases making a difference to the victim's experience;
- increased confidence in the criminal justice system;
- a positive impact on criminal justice journey times; and
- savings being secured by the reduction in citations for police witnesses are being reinvested in front-line operational policing duties and in supporting officer wellbeing.

The potential system improvements and efficiencies of a wider roll-out of SCM (for both SCTS and justice partners) are significant, but will need to be developed in partnership. Planning for a phased roll-out over the coming year is already under way. The full SCM evaluation report is included as Appendix B.

### ***Taking a Trauma Informed Approach***

There is widespread acknowledgement that the way in which complainers and witnesses experience the justice system can sometimes exacerbate the impact of prior trauma. A key goal for SCTS is to enhance the services we provide by becoming a trauma informed organisation. We are continuing to work with partners, including the Scottish Government, members of the Victims Taskforce and NHS Education for Scotland, to implement the Knowledge and Skills Framework for Trauma Informed Justice.

Our Education and Learning Unit is supporting the delivery of trauma informed practice training in line with the Framework. The first tranche of training – trauma informed organisational leadership – was rolled out to our Executive Directors and Senior Managers from December 2023. Working in conjunction with NHS Education for Scotland (NES), e-Learning training modules will be rolled out over the autumn to cover the skills at level 1 and level 2 of the Justice Framework. For staff that require

trauma enhanced level training (level 3) it is anticipated this will be delivered from April 2025 onwards.

### ***Improving the Management of Sexual Offence Cases***

SCTS now has bespoke Evidence by Commissioner (EbyC) facilities in Aberdeen, Glasgow, Inverness, Edinburgh and Dundee. These facilities are accommodating an increasing number of commissions, supporting the most vulnerable witnesses to pre-record their evidence in advance of trial (approximately 700 commissions were conducted in 2023-24).

The suites create safe, managed, trauma informed environments where witnesses are supported to provide their best evidence as early as possible. Experience shows that allowing children and vulnerable witnesses to pre-record evidence reduces stress and the risk of re-traumatisation.

While these suites cater for the vast majority of cases, there are vulnerable individuals for whom joining the EbyC hearing from an external venue is preferable, such as hospitals or from another country. To facilitate this, SCTS has developed a technical solution that enables witnesses to link directly through WebEx into our evidence suites from outside the SCTS estate.

In the 2024-25 budget settlement SCTS secured capital funding to create a further two new EbyC suites. The location of the additional suites will be announced following consultation and development. The creation of these new suites supports a key recommendation from Lady Dorrian's Review of Sexual Offences – that a national sexual offences court should be created and a core feature of cases heard in that court should be the pre-recording of the evidence of all complainers. Development of these facilities is an example of a trauma informed approach to future service design.

Many of the recommendations from Lady Dorrian's review require new legislation. We continue to work closely with the Scottish Government during the passage of the Victims, Witnesses, and Justice Reform (Scotland) Bill to ensure SCTS has the measures in place – and the financial support required – to support new legislation once enacted.

### ***Trauma Informed Domestic Abuse Court Model***

The roll-out of the first virtual trial court in Aberdeen is currently scheduled for early in 2025. A fully virtual model for how domestic abuse cases would operate has been developed – covering the complete journey of a case through the court with all steps observing a fully trauma informed approach. The progress on this project, which will deliver significant benefits for victims, has been delayed, subject to pilot funding being agreed. If this matter can be resolved, the approach that will be implemented will enable focused use of community justice resources, with benefits for both complainers and the accused (particularly those subject to stringent bail conditions). The model proposes the use of increased judicial case management by designated specially trained sheriffs, specialist prosecutors, and support for solicitors to undertake trauma informed training. Importantly, evidence from the police and medical professionals will be given remotely. This will enable them to continue with

their essential duties as opposed to travelling to, and waiting in, court and the costs associated with that. It will also promote and effectively focus resources that can provide bespoke community remedies including access to schemes such as the Caledonian Programme, combined with a problem-solving approach to bail, remand and sentencing. 6

### ***Remote Provision of Evidence (RPE)***

Within our High Court, we have introduced the capability for police and expert witnesses (mainly medical and forensic) to give evidence remotely – helping cut down on travel and reduce time spent away from their crucial core duties. In August 2024, the utilisation of RPE in the High Court surged to 64% as a share of all police and professional evidence heard, with a cumulative average of 44% since May 2024. We are now exploring the possibility of introducing RPE into Sheriff Solemn courts and over time we would hope to expand this to Sheriff Summary. By enabling witnesses to present evidence remotely we are providing options that create real efficiencies for Justice Partners, in particular Police Scotland as this will support their commitment to strengthening the frontline and maintaining trust and confidence in policing. It will reduce the need for travel, eliminate waiting time at court and ensure that police and other experts can remain where they usually do their work.

As set out in both our Corporate and Business Plan, SCTS is leading an ambitious reform programme that goes beyond the work of the criminal justice system, in view of its wider responsibilities – key elements of this are summarised below as they have a bearing on overall demand and the SCTS budget.

### ***Civil Reform***

Building on the experience of the pandemic, investment in our civil case management system has transformed the way in which civil court business is managed and heard. Completing that transformation remains a key priority. By the end of the 2024-25 business year, we anticipate it will be possible to electronically lodge and track the progress of 60% of civil business across the Sheriff Courts – increasing efficiency and easing the process for solicitors and party litigants. We will have completed the migration of all active legacy case data into our new case management system (ICMS) for the Court of Session and legal professionals will be able to track 90% of all business online. - A modern and effective civil litigation system promotes effective dispute resolution – and helps make Scotland a more attractive proposition for inward investment.

### ***Tribunals and the Office of the Public Guardian***

Over the course of the past year, in collaboration with tribunals' judiciary, we increased the number of in-person hearings and embedded a hybrid hearing model. By accommodating both digital (video and teleconference) and in person attendance, we increased flexibility for service users to ensure they can access the hearing type most suitable for their needs.



New case management systems have been deployed across many of the Tribunal jurisdictions, enabling the swifter processing of cases and helping us manage a continually growing caseload.

The development of a new case management system for the Office of the Public Guardian (OPG) is ongoing. This project is critical. There is a pressing need to overhaul the OPG's obsolete case management system, Sigma, to allow development of a new, proactive business model that will realise efficiencies and provide a modern platform. It will enable OPG to participate more actively in promoting the protection of adults with incapacity by freeing up valuable resources that are currently managing the impact of a slow and inefficient system that creates delays in processing.

The project to deliver a new system for OPG is due to be delivered over three phases. The first phase, which will enable faster processing of Power of Attorney applications, is due to be launched in early 2025. This will help us to bring down the backlog of cases. Phases two and three, which are subject to funding being available, are anticipated to be rolled out during 2025. It is estimated that the project, once all phases are delivered, will provide annual recurring savings in the region of £900k alongside significant service improvements, and a more stable, resilient system.

### **III. RESOURCE BUDGET – PROJECTIONS AND REQUIREMENTS FOR 2025-26**

Despite the considerable level of positive change underway, demands on service and resource continue to grow. Discussions on the 2025-26 budget are currently under way with the Scottish Government. I summarise below the additional pressures that the organisation will face in 2025-26 and the financial support that will be required, by way of an uplift to our budget bill allocation, to ensure that we can maintain current service levels and support the ambitious reform programme set out in both our Corporate Plan and the Vision for Justice Delivery Plan.

Our projections indicate that an uplift of £20.8m in baseline revenue funding will be required in 2025-26. This is to avoid any deterioration in service and to maintain progress on planned reforms. The baseline revenue funding uplift can be summarised as follows:

A more detailed breakdown of the cost pressures by category is provided at table 3.

In addition to these we have requested that the Scottish Government baseline the £21.3m of "Recover, Renew, Transform" (RRT) funding that the organisation has received by way of an in-year budget revision in recent financial years. Our case modelling (appendix A) makes clear that the size and shape of the court programme required over the coming years will need to remain similar to that which is currently in place to avoid the development of new (and potentially catastrophic) backlogs. In order to effectively plan for and manage the increasing level of serious criminal business entering the system confirmation of the RRT funding as part of our Budget Bill allocation would provide greater certainty from the outset of the financial year. The funding supports the enhanced court capacity currently in place and is distributed across three key areas as detailed in table 2 below.

Table 2: RRT Funding Breakdown

RRT Breakdown	Revenue £m
Operational Costs*	15.9
Corporate support**	0.6
Digital Transformation***	4.8
<b>Total RRT Funding to be baselined</b>	<b>21.3</b>

\* *Continuing the current operational model, an additional 6 High Courts and 8 Solemn Sheriff Courts, in order to deal with the growth in more serious criminal case; therefore, reducing relative time in which victims, witnesses and accused await their trial (£15.9m).*

\*\* *HR, trauma informed training, IT, finance and procurement support (£0.6).*

\*\*\* *Digital transformation £4.8m (e.g. Next Generation courtrooms, Virtual Custodies, Remote Provision of Evidence and Trauma Informed Domestic Abuse).*

Whilst RRT funding has previously been distinct from the core SCTS budget, it supports core service delivery and remains essential in helping to build future capability. Following the pandemic the funding was directed towards additional court capacity to address unacceptable backlogs that had arisen across all business types. That investment has proved successful in tackling the majority of the backlogs. However, as noted above, we are seeing a sustained increase in serious criminal cases which will increase further in the coming years as a consequence of successful past policy initiatives and further recent developments, in particular the 2023 Court of Appeal judgement on the law of corroboration.

RRT funding is enabling the system to operate at an acceptable level. Were it to be withdrawn at any point in the coming years the criminal justice system will experience a rapidly rising level of case backlogs affecting all business types, but the biggest impact would be on most serious types of criminal business. We would effectively be creating a crisis within the justice system, where the waiting times for a case in the High Court to come to trial would quickly rise to around 3 years (from the time of police investigation through to a trial taking place). The consequences for victims and witnesses – and the compounding challenges of increased “churn” and case loss due to the disengagement of victims and witnesses – would further damage the efficiency and efficacy of the system respectively.

SCTS continually assesses the level of court capacity required to manage business and has made effective use of modelling to ensure that capacity meets current need and anticipates future pressures. The funding requirement associated with that work is assessed using the actual costs of providing the required physical court capacity for hearings, additional judiciary, staff, juror citation/expenses/costs, evidence by commissioner facilities, interpreters, building security and court room technology, including funding for the remaining remote jury centre. Our most recent modelling was published in October and has been provided as appendix A to this letter.

With the support of the Scottish Government the SCTS has been investing in future capability (in particular digital and change capability) through the “transform” element of RRT, to develop core systems and processes capable of supporting new and innovative ways of working. Further upgrades to core IT infrastructure, improved Wi-Fi capability, case management systems and courtroom technology to support

increasing levels of business, will provide a stable platform – but will also provide the flexibility and resilience to support new initiatives and legislative change. There are a range of projects currently being rolled out or in development that will benefit from work to improve our underpinning digital platform and – ultimately – deliver an improved service to all those using the courts and tribunals alongside the opportunity to modernise our processes and reduce our cost base. The more significant initiatives that are currently under way include:

- i Specialist, trauma-informed, domestic abuse virtual court model.
- ii National jurisdiction virtual custody courts.
- iii Summary case management pilot.
- iv Remote evidence by Police and Expert witnesses (sheriff solemn courts).
- v Two further Evidence by Commissioner Suites.
- vi Improving the jury process.
- vii Enhanced Wi-Fi and upgrades to court and tribunal hearing technology.
- viii Becoming a Trauma-informed organisation.
- ix Using Artificial Intelligence to deliver efficiencies and enhanced service.

### Core Pressures

There are a number of core pressures that the SCTS is required to manage within its budget each year, most of which are not within our control. These pressures (detailed in table 3 overleaf) are expressed on the basis that our baseline budget and recurring in year transfers will be maintained in 2025-26.

I must stress the criticality of sustaining funding in these areas. Any dilution in the overall funding would impact on our ability to maintain core services and support the change sought by both the Scottish Government, the SCTS Board and a range of partners and service users. Should budgets be constrained we would have to focus on administering the greatest number of cases possible under the existing regime. This would have negative impacts on all those who rely on the courts and tribunals to assert their rights and ensure that justice is done.

*Table 3 – SCTS Revenue Resource Requirement 2025-26*

<b>Baseline Resource Requirement- FY 2025/26</b>		
<b>Category</b>	<b>£m</b>	<b>Narrative/ Source of Pressure</b>
<b>Budget Bill FY 2024/25</b>	<b>111.7</b>	<b>Fiscal Resource Settlement</b>
<i>Judicial</i>	<i>7.6</i>	<i>Salaried judicial ER pension contribution &amp; Scottish Sentencing Council pressures.</i>
<i>Built Estate</i>	<i>3.5</i>	<i>Building maintenance backlogs, facility management contract uplifts, Non Domestic Rate poundage increases (NDR).</i>
<i>Pay</i>	<i>3.3</i>	<i>Salaried staff pay award 2.25% incl progression and assumes no change in employer NI, pension etc. rates/thresholds</i>
<i>Tribunals</i>	<i>3.2</i>	<i>Tribunal baseline Members' holiday pay &amp; Members' Fees (2% uplift), MHTS &amp; Health &amp;</i>

			<i>Education Chamber growth and the Whitehall Transfer from HMCTS/MoJ in relation to disability appeals.</i>
<i>Evidence by Commissioner (EbyC) suites</i>	1.3		<i>Increases in resource to support increased levels of evidence by commissioner hearings. Further provision will need to be included for staffing to facilitate the roll out of a statutory presumption of evidence by commissioner for child sheriff solemn cases; due to commence in April 2026 (Aberdeen, Inverness and Glasgow).</i>
<i>Digital Estate</i>	1.0		<i>Software inflation &amp; cyber security enhancements.</i>
<i>Operational Costs</i>	0.5		<i>Pressures with respect to medical reports/risk assessments &amp; interpreter costs – due to case volumes.</i>
<i>Civil Fees</i>	(6.0)		<i>Estimated favourable movement with respect to fees based on current year to date (FY 2024/25 trends) and 2024 Fee Order uplifts.</i>
<b><i>Est Growth FY 2025/26</i></b>		<b>14.4</b>	
<b><i>Digital Transformation (see below)</i></b>		<b>6.4</b>	
<b><i>RRT Funding (table 2)</i></b>	<b>21.3</b>		<i>This is not an increase in the annual funding provided to SCTS – however we seek inclusion of the funding in the budget bill, in recognition of the fact that it is clearly required</i>
<b>Budget Bill Est FY 2025/26</b>		<b>153.8</b>	

## Digital Transformation Projects

The programme of change SCTS is currently engaged in is genuinely transformational – representing the largest set of changes to how our services operate in generations. Postponing or cancelling that work would be a real missed opportunity, as a number of reforms have the potential to deliver lasting savings and benefits if they can be sustained to a successful conclusion.

To the greatest extent possible SCTS seeks to fund incremental change and improvement from within core budgets, supported by the RRT funding that has been essential in realising recent reforms. However, there are a number of significant projects we have in train that have the potential to deliver real benefit, but outstrip the resourcing that could be extracted from our core in order to support them effectively. Funding is sought to continue with the following digital transformation projects, and implement one new project that aims to reform the system for jurors. 10

**OPG Transformation (£2.5m):** As noted above, the project to deliver a new system for OPG is due to be delivered over three phases, with the first phase being delivered in 2024-25. Phase two brings Guardianship cases onto the new system and establishes an Online Public Register; Phase 3 brings Accountant of Court cases onto the system. To realise the annual recurring savings of £900k, all three phases of the new system must be implemented. Without phases 2 and 3, OPG will continue on a dual system basis introducing additional risk of data breaches, whilst retaining inefficient processes. The risk with the unstable legacy system would also remain.

**Civil Justice Transformation (£1.1m):** One of our objectives in our Corporate Plan for 2023-2026, which was approved by Scottish Ministers, is transform our civil justice system by developing a fully digital end-to-end service across all civil business types – increasing flexibility, efficiency and resilience.

Over the past 12 months we have made good progress in delivering against this objective, as outlined above. Since March 2023, all new Court of Session cases are lodged on our Integrated Case Management System (ICMS); we launched a new Civil Online portal to coincide with the implementation of new Simple Procedure Rules; our Ordinary Actions Case Tracker is live for legal professionals, increasing the percentage of Sheriff Court business that can be tracked online from 1/3rd to 2/3rds. We have also upgraded our systems for a range of new legislation that has come into force.

As we continue to make progress towards a fully end-to-end digital system for civil business, a range of benefits are being realised. These include reducing the number of queries/requests dealt with by court staff; providing consistency of process for solicitor firms who litigate in both the Court of Session and Sheriff Courts; providing quicker access to case information for solicitors and improved system and data security.

Those using our services are eager to interact with us via digital means – improving accessibility and efficiency of choice. The funding we seek is to continue our civil reforms by further digitising the business process. In doing so we will ensure any new services are delivered in line with Digital Scotland Service Standards. A key element of meeting the service standards is providing a service that everyone can use. This includes those with disabilities, those who have no access to the internet and those who may lack the skills or confidence to use it.

**Streamline the Jury Process (£2.8m):** Jurors make up the largest group of customers that SCTS has, with over 700,000 members of the public receiving a jury citation in each of the past 2 years. Without the attendance of jurors', solemn criminal business could not proceed. For most jurors this is the only interaction they have with the justice system. The service we currently provide to this extensive customer group does not best meet their needs or expectations.

The current jury process is largely manual, requiring significant administrative input. SCTS is therefore seeking funding to transform the current system by developing an automated digital jury portal. This would support the end-to-end process from initial registration to payment of expenses – leveraging investment already made in our

digital expense payments system. Such a system would significantly reduce the time spent by operational staff on repetitive manual tasks, increase the frequency and quality of communication with court users and free up time through automated excusal requests for those disqualified or ineligible, and automated jury calls.

Whilst up-front investment is required, the project will realise longer-term savings and improvements in customer service. It is estimated that a reduction of between 8 to 10 administrative officer posts would be achieved once the new system was in place. A business case setting out the detail of the proposal has been developed in the hope that funding can be secured.

Should budgets be constrained we would have to focus on administering the greatest number of cases possible under the existing regime, with its recognised inefficiencies. Our capacity to support and deliver reform would be limited, or dependent on specific awards of funding for each initiative in question. This would be a real missed opportunity, as a number of reforms have the potential to deliver lasting savings and benefits for both SCTS and the wider justice system, if we are able to sustain them to a successful conclusion. For us to do so will require continued collaboration and investment to deliver at scale.

#### ***IV. CAPITAL BUDGET – PRESSURES AND REQUIREMENTS FOR 2025-26***

We continue to balance our capital expenditure between investment in digital developments, cyber security and maintaining a built environment that is safe, secure and supports effective operations.

In recent years there has been a welcome recognition that the baseline capital spending review allocation of £8m is insufficient to support that combination of transformation, maintenance and improvement. In-year funding has supported an annual capital budget of around **£17m** in recent years. Our assessment is that this represents a minimum sustainable baseline for future years, particularly in view of recent inflationary pressures in the construction and digital sectors.

The need to ensure that our buildings and core systems keep pace with new legislation and policy creates other pressures on the capital budget. Even small changes in the law can require quite significant system upgrades. Should budgets be constrained we will be compelled to focus on maintenance – at the expense of development and reform.

Table 4 – SCTS Capital Requirement 2025-26

Category	FY 2025/26 £m
Property - Building enhancements BAU	5.0
Airdrie SC	2.0
Edinburgh Justice Campus - Reconfiguration of Edinburgh Sheriff Court to accommodate Tribunals	1.8
Oban	0.3
Accommodation Review	0.5
Responding to the climate challenge / sustainability (Net Zero 2045)	1.0
<b>Built Estate Sub Total</b>	<b>10.6</b>
IT-BAU- Hardware Refresh	2.0
IT BAU -Other (e.g. COP II, Virtual Custodies, Virtual Essential Digital Infra)	1.0
Courtroom Technology -Next Generation Courts- standardisation of hardware & software; cutting edge technical solutions.	3.4
Criminal Lab Initiatives	0.5
Civil Reform (Legislative Changes & Strategic e.g. ICMS end to end service)	3.2
DEPS	0.3
TCMS/Tribunal Activities	0.2
<b>Digital Sub Total</b>	<b>10.6</b>
<b>Total Baseline CDEL</b>	<b>21.2</b>
<b>In Year funded 2025-26</b>	<b>FY 2025/26 £m</b>
Criminal Justice Reform (LJC Review Sexual Offence Court); creation of new specialist sexual offences court- changes to COPII using 3rd party suppliers, equipment costs for staff and projected incidental costs to change building signage incurred by PSU	0.4
Victims, Witnesses and Justice Reform (Scotland) Bill 2023- Part 3 civil reforms- one off costs stated in Financial Memorandum for Purchasing equipment and fitting out	1.7
Digital Evidence Sharing Capability (DESC) Phase 2	0.3
<b>ABR/ SBR Total</b>	<b>2.42</b>
<b>Total CDEL Plus IYF element CDEL</b>	<b>23.62</b>
<b>FRS16 ROU Capital</b>	<b>0.0</b>

## Digital

Capital investment to ensure all courts and tribunals have consistent and modern fit for purpose digital infrastructure, hardware and software to ensure business is managed effectively, continues. However, SCTS digital reform expenditure is increasingly revenue based in nature as we move implement solutions which are low/no code in nature (software development approaches that allow users to create applications with little to no coding required). Older systems including the current civil case management programme are code-based and do require continued capital investment, in particular to ensure compliance with legislative changes. This is also the case for the existing criminal case management system (COPII), the future replacement of which is being explored.

We continue to invest in the development of our digital expenses payments (DEPs) system which, having delivered service user (juror and appellant) benefits and efficiency savings within the SCTS, can deliver further savings through wider application across other payment streams.

## Built Estate

The SCTS operates from 51 distinct locations across Scotland's six sheriffdoms, together with 13 remote video witness sites. In total, our estate comprises 71 buildings made up of courts, vulnerable witness suites, tribunals and offices. We manage an important and historic estate – this requires a strategic approach to investment, modernisation and review – subject to the funding we have available to maintain, develop and consolidate our presence where possible. The following details the pressures we face in maintaining and upgrading the estate to help us deliver on future sustainability targets.

**Building enhancements:** Inflationary pressures and an aging estate mean that significant investment is required to both maintain and enhance the service potential of buildings. We have identified that BAU property enhancements will cost in the region of £5m – this level of investment is essentially required to avoid degradation in the estate from one year to the next. The Construction Tender Price Index (TPI) indicates that construction prices have increased by 36% over the last 8 years during which time the baseline SCTS capital budget has remained flat – albeit helpfully supported through SG in-year support. However, reliance on in-year support hampers certainty around the delivery of longer-term projects.

**Airdrie Sheriff Court – RAAC:** In 2023 extensive presence of RAAC was found in Airdrie Sheriff Court, impacting significantly on its operational use such that only one of the five courtrooms in the building was available from late November 2023. Incremental remediation of the ground floor courtrooms is now complete, and all five courtrooms have been back in operation since late August 2024. The staff accommodation on the first floor has not been addressed, with staff accommodated in a modular building sited in the car park. Mitigation of the first floor is estimated to cost in the region of £2m.

Remedial structural works have been paused pending the completion of survey activity and options appraisal to support informed longer-term decisions. Fully costed decisions are yet to be made. Detailed design and costing options have been instructed for:

- (i) Remedial stabilisation works throughout the building.
- (ii) Redesign of the roof and replacement of all the RAAC.
- (iii) Complete demolition and new build.

The cost of any of these options will run into the millions and will not be something that could be accommodated from an already committed capital budget. While I cannot currently advise on the recommended future option and associated costs, I wanted to highlight this longer term pressure and the likelihood that we will seek support from SG to address it once options have been fully explored.

**Responding to Climate change:** The SCTS continues its journey to net zero with decarbonisation of buildings in line with statutory guidelines. SCTS has a target of a 2.5% year-on-year reduction in carbon output, using 2016-17 total carbon output as the current baseline. In 2023-24, SCTS reduced its carbon emissions by 13.5%. Energy efficiency improvements/retrofits have covered a broad range of works including: insulation and sealing, triple glassed windows, LED lighting, replacing



gas/oil heating systems with electric heat pumps, increasing the roll out of solar/renewables and ensuring building management systems are optimised. Our new IQ Vision platform, introduced in December 2023, delivered a step change in controls, capability and security. It has been successfully installed in all SCTS buildings. We are now able to monitor and control the heating and ventilation remotely across the entire estate. In addition, we are in the process of installing wireless sensors across the estate – enabling us to remotely monitor environmental parameters such as CO2 levels.

Maintaining this positive progress becomes more challenging year on year, but is a challenge SCTS is fully committed to. The funding sought will allow us to continue delivering progress, in line with our sustainability strategy published earlier this year.

### ***Edinburgh Justice Campus (EJC) £1.8m***

The EJC project, which aims to reduce footprint, costs and CO2, started life as a £60m programme and was restructured down to a £20m programme recognising tightening public finances. The central aim of this programme is to vacate George House in Edinburgh (which SCTS leases) with exit dates of August 2026 and 2027 being options available at this time. Given the public finance pressures, project aspirations now focus on vacation of George house by August 2026 as this would release £1m cash savings annually from August 2026. This requires notice to be served in August 2025.

To facilitate the exit, works are well underway to accommodate the Scottish Land Court and the Lands Tribunal within Parliament House from early December 2024. Plans to reconfigure existing space within Edinburgh Sheriff court to accommodate other Tribunals based in George House, including hearing rooms, are being finalised. It is currently estimated that the re-scoped plans will cost £1.8m for Edinburgh Sheriff court with work able to commence from April 2025. The SCTS has absorbed the revenue costs of planning and procuring in 2024-25, but would require support to take these works forward in 2025-26, realising the significant recurring savings available as soon as possible.

### **Conclusion**

I hope that the foregoing provides a clear overview of the priorities and pressures faced by the SCTS over the coming period. We fully understand the pressures the wider public sector is facing. Our ambition is to continue on what has been a positive programme of change, improving the experience of victims and witnesses, investing in services for all through modern, accessible systems access and completing a range of reforms that will deliver efficiencies for users and partners. If we are able to do so this will modernise our service and, provided case levels remain stable, reduce our overall cost base in future years. Should funding be constrained it is inevitable that a number of these benefits will be lost and the risk of significant case backlogs may once again appear.

The Lord President, Chair of the SCTS Board, has previously observed that providing timely access to the courts and tribunals so that laws may be challenged and disputes resolved is more than just a public service: it is an essential aspect of the machinery of a democratic society, which must be maintained if confidence in the

**CJ/S6/24/33/1**

rule of law is to be upheld. This is a position backed by the SCTS Board – and it is on that basis that we have developed our financial assessment for the coming year. I will be happy to provide further information on any aspect of this letter and look forward to the opportunity of addressing any questions at the forthcoming meeting of the Committee on 6 November.

Yours sincerely

Malcolm Graham  
Chief Executive

## Appendix A

### Criminal Court Modelling

#### Introduction and Key Points

This paper provides modelling for criminal business in Scotland's High Court and Sheriff Courts over the coming years. It provides an indication of the likely levels of business (in the form of projected scheduled trial numbers and associated waiting periods) drawing on the current assessment of likely future case levels. It sets out what the likely trial levels and waiting periods will be against a range of different court capacity levels – providing an indication of the level of court provision that will be necessary to maintain an effective system.

The impact of the COVID-19 pandemic saw the number of scheduled criminal trials in Scotland more than double to a peak of 43,606 in January 2022. Since then, with the introduction of additional trial courts, this has reduced to 23,361 as at the end of September 2024 – a reduction of 46% since the peak and a reduction of 86% in the additional level of backlog created by the pandemic. The additional trial courts, combined with excellent levels of collaboration across justice organisations, the legal profession and the 3rd sector, have increased both trial capacity and case conclusions. The overall aim is to return the number of scheduled trials to an optimum level of around 20,000.

This positive picture demonstrates the success of the criminal court recovery programme in tackling excessive backlogs – however the modelling also makes clear that the level of business entering Scotland's criminal courts has changed quite significantly since before the pandemic. In particular the level of solemn business (more serious criminal cases) has increased significantly and continues to do so. As a result of this the current level of trial courts operating represents the level necessary to ensure that recovery can be maintained and to avoid a sudden and highly negative increase in both outstanding trial levels and associated waiting periods. Projections indicate that an additional trial court may be required in the High Court to achieve recovery by 2026. A number of initiatives intended to increase efficiency are under way – most notably the summary case management pilot, which has the potential to significantly improve efficiency in Scotland's summary courts. The modelling illustrates the potential of this initiative to realise improvements, which will be dependent on the speed at which it can be implemented with partners.

#### Background

In response to the impact of the pandemic on criminal case backlogs, and the continued trend of increasing solemn case levels, the criminal court recovery programme commenced in September 2021. An additional 4 trial courts were allocated to the High Court, 2 for Sheriff Solemn and 10 for Sheriff Summary. In April 2023, resources were switched from summary to solemn. An additional 2

trial courts were introduced in the High court and an additional 6 for Sheriff Solemn. At this point the 10 additional Sheriff Summary trial courts were removed.

Scotland's trial court capacity from April 2023 to date is therefore as follows:

- High Court: 22 trial courts (+38% compared to pre-pandemic);
- Sheriff Solemn: 26 trial courts (+44% compared to pre-pandemic);
- Sheriff Summary: 33 trial courts (the same as pre-pandemic).

While modelling is not an exact science, it helps assess different scenarios and inform future decisions. Actual trial backlogs and waiting periods will remain sensitive to changes in both registration levels (input) and in trial court capacity (throughput). The combination of this annual modelling report and the regular publication of criminal case throughput reports allows measurement of the impact of the current programme on both scheduled trials and waiting periods, illustrating the progress being made and the challenges ahead.

This updated report is the result of extensive analysis of the court programme, reflecting the reduction in backlogs, the increased level of new petitions (resulting in a higher number of registered indictments) and the potential positive impact of the summary case management (SCM) pilot once implemented nationally.

### **Future Business Levels – Analysis**

The modelling demonstrates that solemn trial baselines have continued to grow, following the consistent upward trend that was evident before the pandemic. As a result the pandemic-related solemn case backlog has now been replaced by a new higher baseline of scheduled trials. Future transformation of the prosecution of sexual offences, including the impact of the 2023 Court of Appeal judgement on the law of corroboration, may further increase the level of petitions and subsequent indictments. This indicates that the increased level of solemn trial court capacity will be required in the long term with the solemn models illustrating the substantial impact on scheduled trials and associated waiting periods should that trial court capacity be removed.

The solemn models assume that the time bar extensions provided under the Coronavirus (Recovery and Reform) (Scotland) Act 2022 will remain in force until 30 November 2025. Regulations have been laid to provide for this extension, however they are subject to parliamentary approval. Should they not remain in force the only option would be for an application to be made to the courts to extend the time limit in each individual case – adding significantly to workload. If the court does not grant the application, or no application is made, the accused would be released on bail or the case would fall, when the relevant time limit expires. The

application process would require court and other judicial partner resource, adding an extra step to the proceedings, ultimately impacting on time to trial, the size of the prison population and on victims and witnesses.

In relation to summary business, despite higher than expected levels of complaints registered, scheduled trials will continue to reduce due to the national roll out of SCM. It may be feasible to consider a further switch of resources from summary to solemn at a future point. Regular discussions continue to take place through the Criminal Justice Board and with the Faculty of Advocates and Law Society of Scotland – focusing on both the pressures faced by the legal profession and the opportunities presented through initiatives such as the national implementation of SCM.

**Modelling tables, Charts & Commentary**

Pages 4-12 of this paper provide modelling data and charts for each of: The High Court (p4-6) Sheriff solemn courts (p7-9) and sheriff summary courts (p10-12) alongside commentary to explain the projections and detail presented.

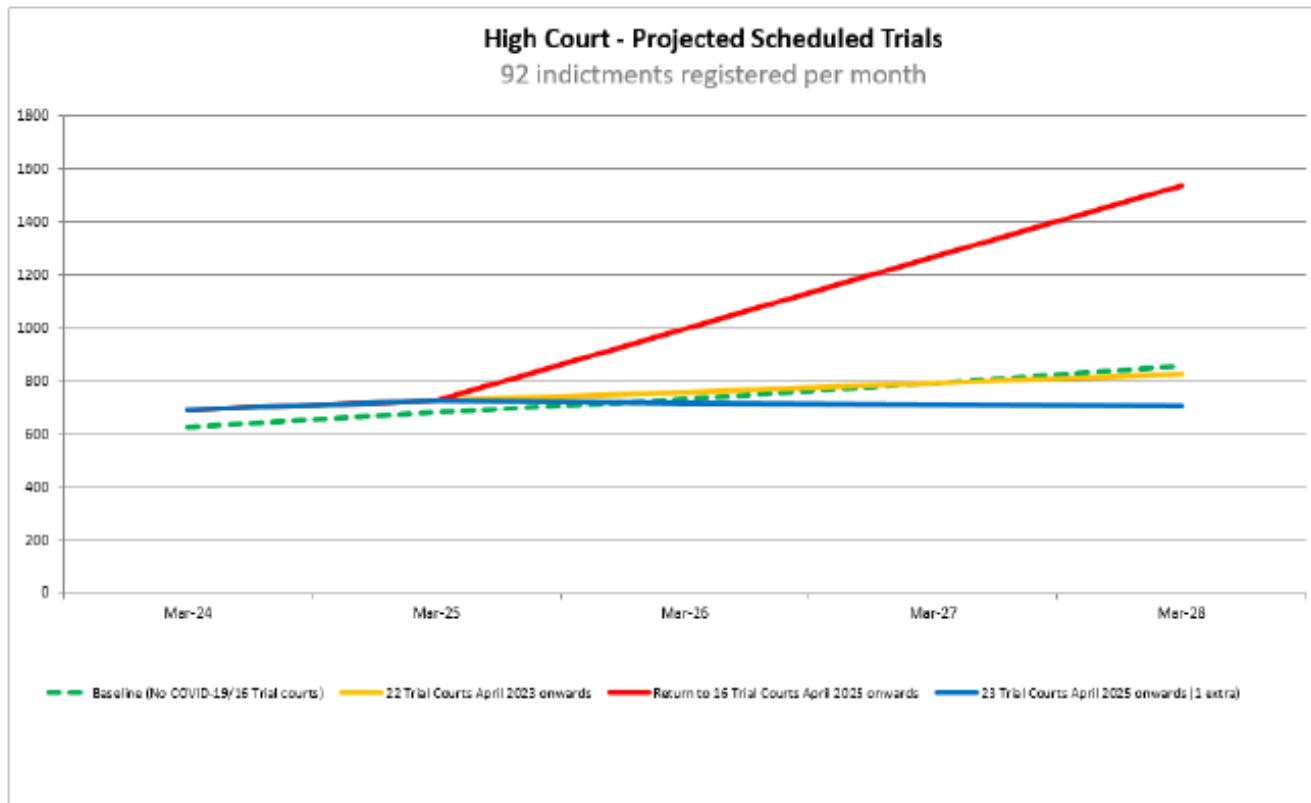
**High court**

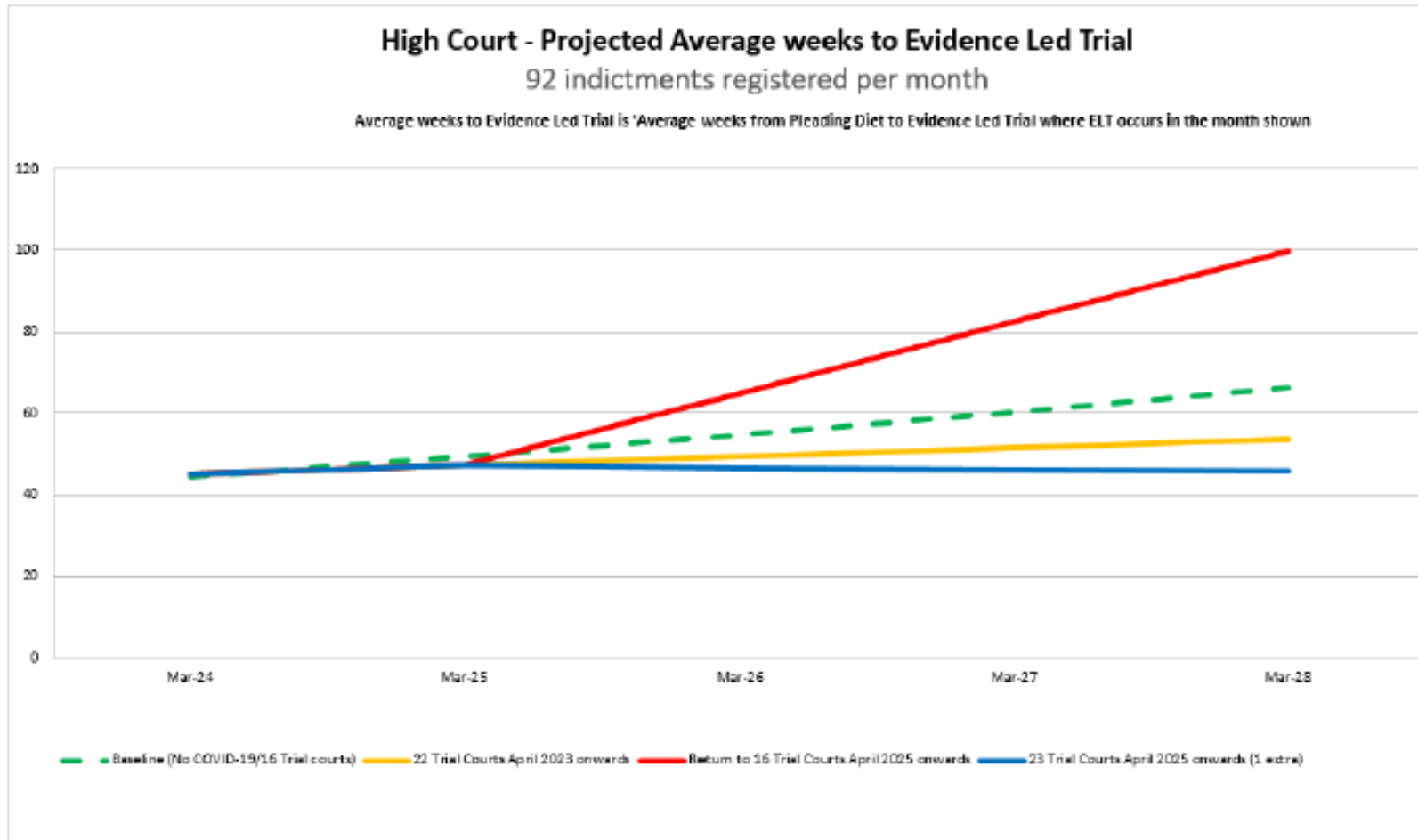
High Court Indictments registered per month (92)	Projected Scheduled Trials as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
Baseline (No COVID-19/16 Trial courts)	630	680	735	793	857
22 Trial Courts April 2023 onwards	693	726	760	793	826
Return to 16 Trial Courts April 2025 onwards	693	726	998	1269	1540
23 Trial Courts April 2025 onwards (1 extra)	693	726	720	714	707

High Court Indictments registered per month (92)	Projected Ave. weeks to Evidence Led Trial as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
Baseline (No COVID-19/16 Trial courts)	44	49	55	60	66
22 Trial Courts April 2023 onwards	45	47	49	51	54
Return to 16 Trial Courts April 2025 onwards	45	47	65	82	100
23 Trial Courts April 2025 onwards (1 extra)	45	47	47	46	46

Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

In view of these continuing pressures the modelling demonstrates the impact of adding a further trial court in order to reduce scheduled trial levels and journey times to evidence-led trial. At the level of 92 indictments per month, scheduled trials would now meet the baseline by March 2027. On the basis of current projections one additional trial court would be required from 2025 to secure baseline recovery by 2026. COPFS have indicated there are a number of factors that could increase the monthly level of indictments – potentially quite significantly above this level – including the potential impact of the 2023 Court of Appeal judgement on the law of corroboration. Should that position transpire a number of additional trial courts would be required to manage throughput and we would revisit this modelling based on the new input levels.





**Sheriff Court Solemn**

Sheriff Court Solemn Indictments registered per month: 2024/25 & 2025/26 (650) then Apr 2026 onwards (550)	Projected Scheduled Trials as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
Baseline (No COVID /18 Trial Courts)	1802	2128	2454	2779	3105
26 Trial Courts April 2023 onwards	1709	1495	1281	500	500
Return to 18 Trial courts April 2025	1709	1495	2693	3218	3743

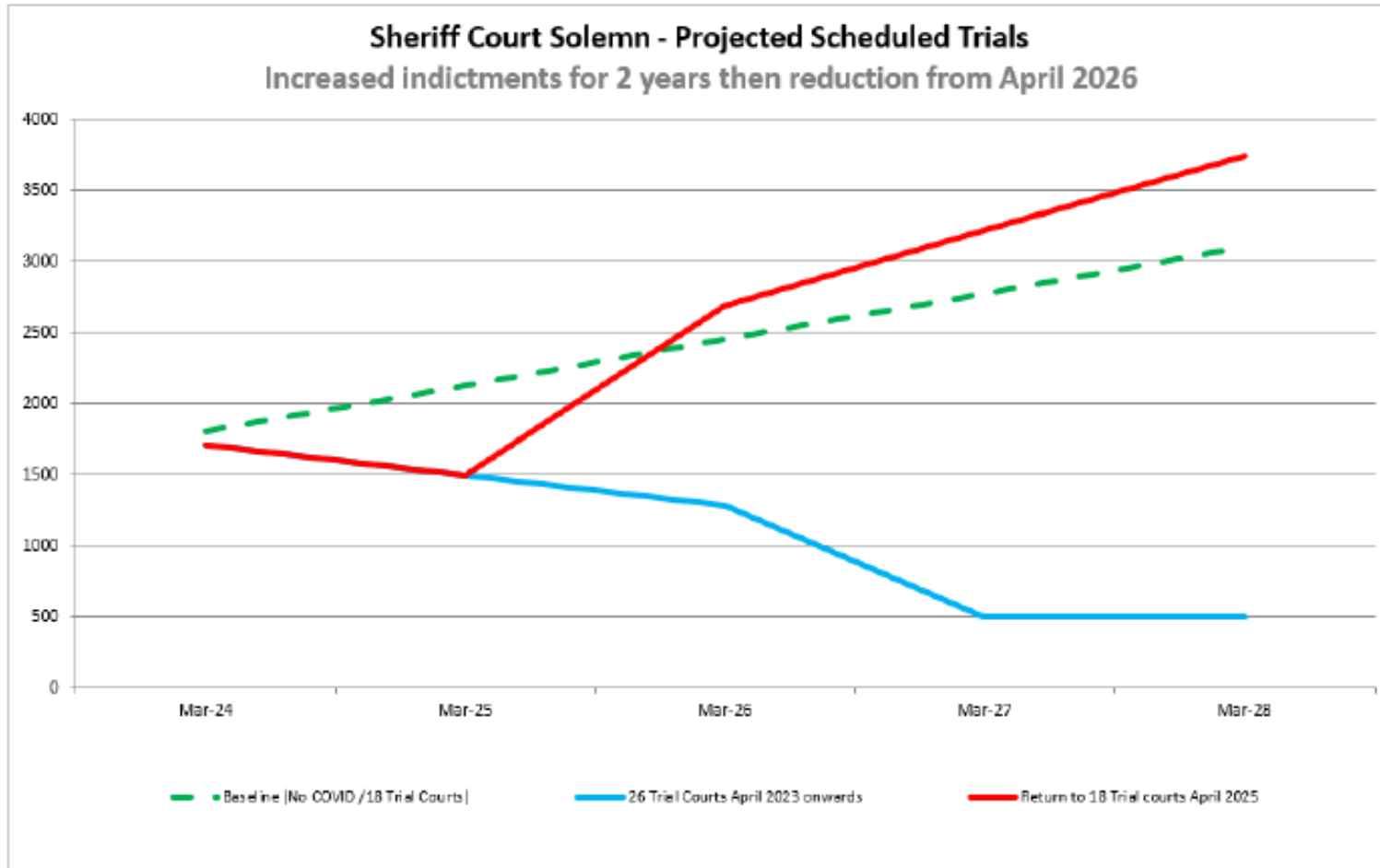
Sheriff Court Solemn Indictments registered per month: 2024/25 & 2025/26 (650) then Apr 2026 onwards (550)	Projected Ave. weeks to Evidence Led Trial as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
Baseline (No COVID /18 Trial Courts)	34	40	46	52	58
26 Trial Courts April 2023 onwards	40	36	32	11	11
Return to 18 Trial courts April 2025	40	36	58	68	77

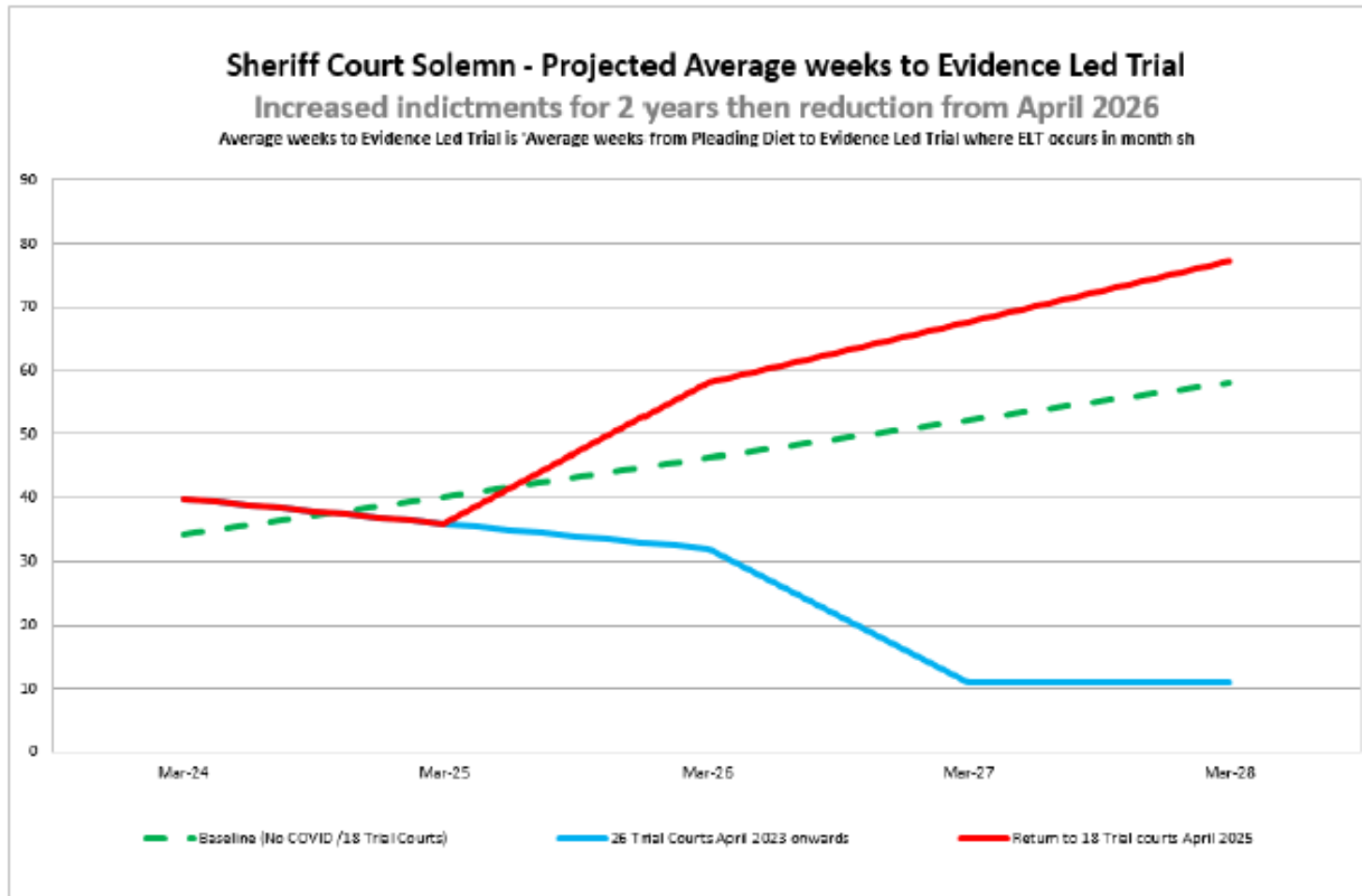
Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

While scheduled trials have now reached the revised baseline earlier than anticipated, they remain three times higher than 2019-20 levels. COPFS now plan to register 650 indictments per month for the coming 2 years, before dropping back to 550 per month. This is significantly higher than 2019-20 levels, further demonstrating the trend of increasing solemn case levels. Additional trial courts therefore remain essential until April 2026, to ensure that scheduled trial levels continue to reduce and the current long waits for victims and witnesses are addressed. As recovery continues to progress this will also have a positive impact on the length of time that accused persons spend on pre-trial remand.

Scheduled trials reduced in 2023/24 by a higher volume than expected. This is due to lower levels of new business than forecast and a significant rise in early guilty pleas (section 76) as evidenced by SCTS published statistics where the 2023/24 Section 76 volume is was 29% higher than pre-COVID levels (2024/25 is on track to be 50% higher than pre-COVID volumes). Early guilty pleas mean trial diets are not fixed so an increase in Section 76 causes a slowdown in the growth of Scheduled trials.







**Sheriff Court Summary**

Sheriff Court Summary	Projected Scheduled Trials as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
33 Trial Courts - vary volume of complaints registered per month					
Baseline (No COVID / 33 Trial courts)	16600	16600	14000	14000	14000
5400 for 1 year then 5000 complaints - no further SCM roll out	20644	19030	15303	14000	14000
5400 for 1 year then 5000 complaints - SCM rolled out within 2 years	20644	18130	14000	14000	14000
5800 for 1 year then 5000 complaints - no further SCM roll out	20644	21142	17415	14000	14000
5800 for 1 year then 5000 complaints - SCM rolled out within 2 years	20644	20242	14514	14000	14000

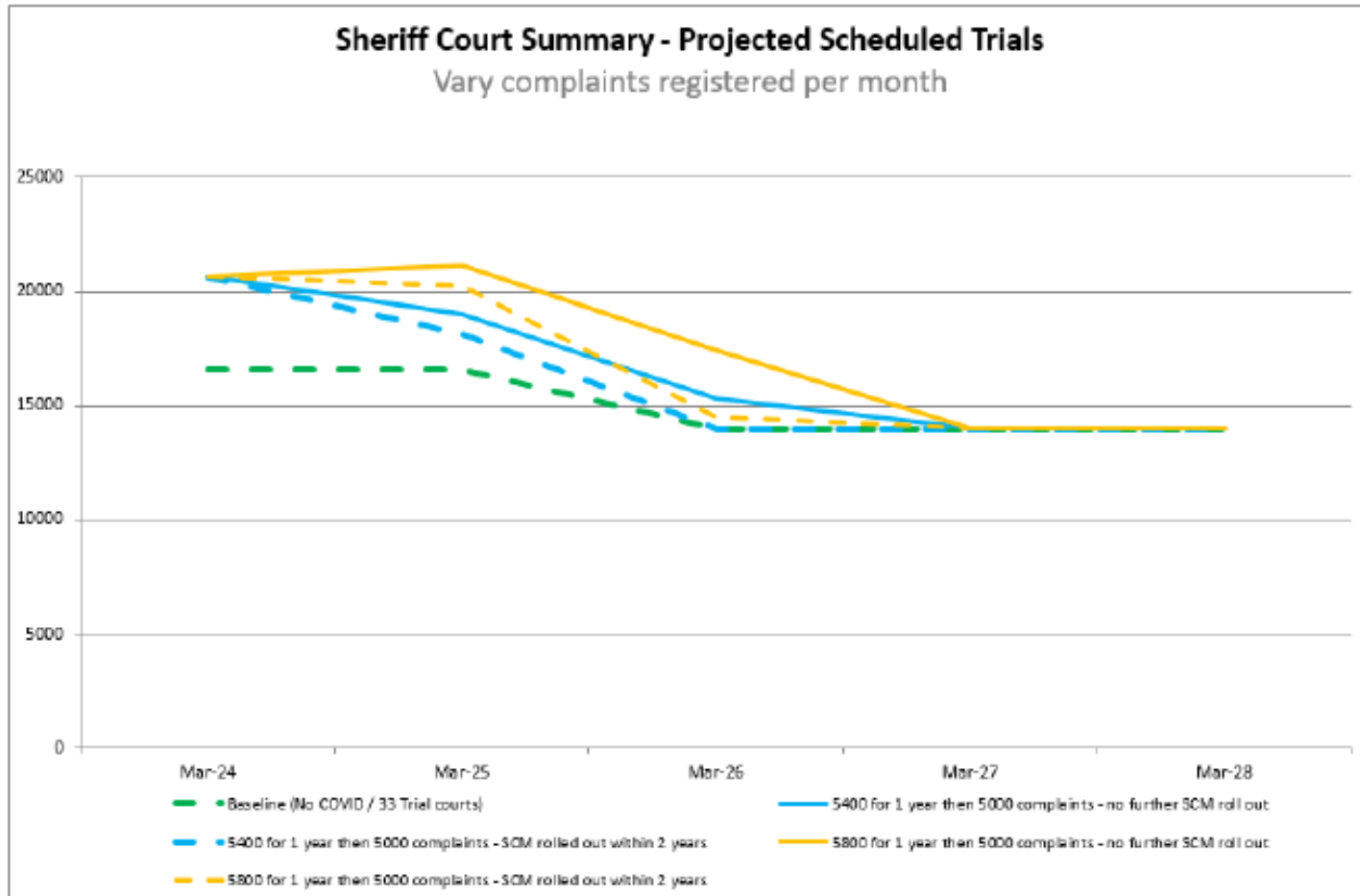
Sheriff Court Summary	Projected Ave. weeks to Evidence Led Trial as at end of:				
	Mar-24	Mar-25	Mar-26	Mar-27	Mar-28
33 Trial Courts - vary volume of complaints registered per month					
Baseline (No COVID / 33 Trial courts)	27	27	23	23	23
5400 for 1 year then 5000 complaints - no further SCM roll out	38	31	25	23	23
5400 for 1 year then 5000 complaints - SCM rolled out within 2 years	38	30	23	23	23
5800 for 1 year then 5000 complaints - no further SCM roll out	38	35	29	23	23
5800 for 1 year then 5000 complaints - SCM rolled out within 2 years	38	33	24	23	23

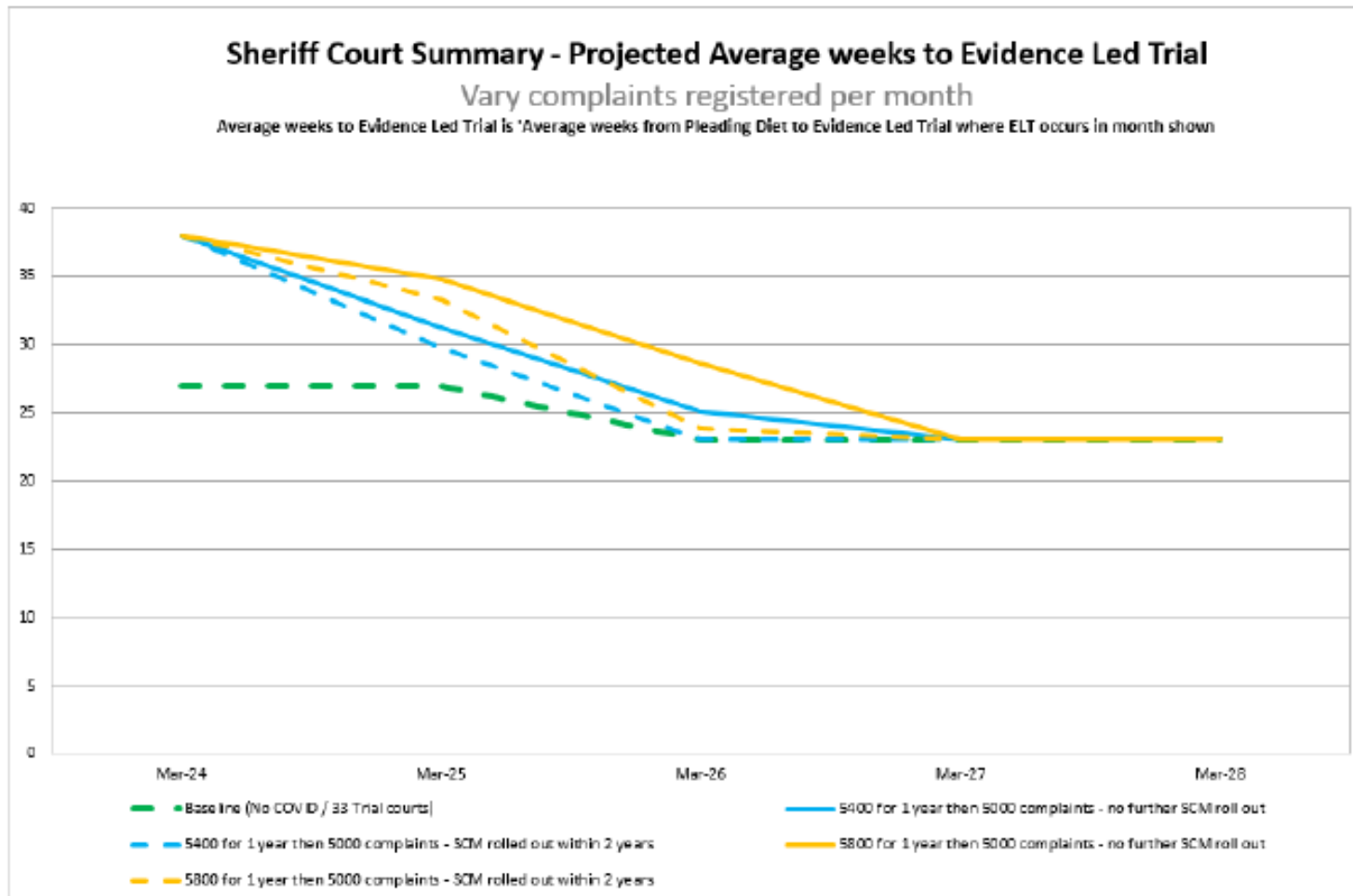
Average weeks to Evidence Led Trial is 'Average weeks from Pleading Diet to Evidence Led Trial where ELT occurs in month shown'

Scheduled trials are continuing to reduce, albeit over a longer timescale than previously modelled. This reflects both Police Scotland and COPFS clearing backlogs, resulting in in complaints registered in court averaging 5400 per month as opposed to the forecast of 5000. The increase has been driven partly by increased levels of petition cases being registered as ‘reduced to summary’ cases. COPFS have indicated that registrations could grow to 5800 per month, so this scenario has been modelled above. Additionally, COPFS are now marking the majority of summary cases within 28 days – while this does not increase the overall number of cases registered it did impact on the scheduled trials baseline as cases are now added to the baseline earlier.

The route to improve efficiency in the summary courts is to ensure the earliest appropriate resolution of cases, to avoid trials being unnecessarily fixed. The evaluation of the SCM pilot was published on 20th September 2024, showing real potential to reduce the level of trials that need to be fixed. It is anticipated these benefits could be replicated nationally once the pilot approach is fully implemented. The modelling projects the impact that such a national roll-out could achieve in the coming years. In addition to significantly reducing the burden on victims and witnesses (particularly police witnesses) successful implementation should allow

summary court capacity to be reduced over time – supporting reallocation to address increasing pressures in solemn business should they persist as modelled.





**Modelling Assumptions**

Metrics	High Court	Sheriff Court Solemn	Sheriff Court Summary
Scheduled Trials (pre COVID-19)	390	500	14000
Average weeks to Evidence Led Trial (pre COVID-19)	22	11	23
Trial courtrooms (pre COVID-19)	16	18	33
Average length of Evidence Led Trial	6 days	3 days	2 hours 40 minutes

Projected scheduled trials methodology

Scheduled trials as at last data point plus estimated new trials fixed per month minus trials concluded per month.

Projected delay periods methodology

Delay as at last data point divided by scheduled trials at last data point multiplied by projected scheduled trials.

Future levels of business

High Court – indictments registered in 2023/24 were lower than COPFS forecast and pre COVID. COPFS latest forecast is an increase to 92 per month (100 per month including Section 76 cases).

Sheriff Solemn - indictments registered have been at a higher rate than pre COVID and are lower than COPFS forecast in 2023/24. COPFS latest forecast is that the level of indictments registered will be around 650 per month for a period of two years then 550 per month. These figures include Section 76 and the model makes the necessary adjustments).

Sheriff Summary – complaints registered have been higher that COPFS forecasts for the last 18 months and are currently averaging 5400 per month rather than the COPFS forecast of 5000. A higher level of 5800 has been modelled also.

Baseline

When the modelling work commenced, baselines were introduced to reflect a situation that assumed the pandemic had not happened and that the number of trial courts was unchanged. The baselines provide a useful comparator within the models that aids understanding and helps to quantify recovery.

For summary business, a flat baseline was initially established and this has proven useful in measuring recovery as case levels had remained relatively stable until 2023/24 which saw a spike in complaints registered due to a COPFS non-COVID related change in marking timescales that would have pushed scheduled trials up. The summary baseline was amended to reflect the impact of this matter.

For solemn business, the trend of increasing indictments that was evident pre COVID has continued with the increased levels of petitions reflected through higher levels of indictments in the coming years. As a result the trial baseline was revised to include the trend of non-COVID related indictment increases.

Time Periods to Trial Diets

In a complex justice system multiple system factors impact on the time to trial, including; case preparation, availability of forensic evidence, disclosure, witness availability, failure to appear, parties not ready to proceed, lack of court time. These factors create non linearity, which requires further analysis to understand and quantify the modelling complexities.

The modelling currently assumes a linear relationship between number of trials forecast and the time to trial, with an estimate of factors built in. Therefore some caution is advised when using the time to trial projections. The actual average time between the pleading diet and completed evidence led trials is published on the SCTS website.

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## Appendix B

### **The Summary Case Management Pilot: Final Evaluation Report, September 2024**

Available at: <https://www.scotcourts.gov.uk/media/ts4cexp3/scm-final-evaluation-report.pdf>



## **Crown Office and Procurator Fiscal Service**

Thank you for inviting the Crown Office and Procurator Fiscal Service (COPFS) to provide evidence to the Criminal Justice Committee's pre-budget scrutiny of the Scottish Government Budget for 2025-26.

COPFS' budget allocation for 2025-26 will be confirmed in the coming weeks in line with the Scottish Government's budget programme. We continue to engage with the Scottish Government to plan and confirm our resource allocations for 2025-26 and indicative planning for subsequent years.

### **Introduction**

COPFS is a demand led organisation with responsibility to meet state obligations to deliver justice, uphold the rule of law, prosecute crime, investigate sudden or unexplained deaths, recover proceeds of crime and investigate complaints against the police. Our work helps to ensure that Scotland is safe from crime, disorder and danger.

2025-26 will be a critical year for Scotland's systems of criminal justice and death investigation. Efforts to improve the investigation and prosecution of sexual offences and domestic abuse and the investigation of deaths are continuing, with a focus on the experience of victims, witnesses and nearest relatives. Pandemic recovery efforts have made significant progress but there is still much to do. COPFS is also engaged in a programme of reform and modernisation of its own work and in partnership across both systems. Success in these efforts requires continued financial support.

### **Casework Demands**

COPFS continues to operate in a complex and changing criminal justice system. Current funding levels reflect that the volume and complexity of our casework has changed and continues to grow. Sexual offences casework and death investigations have increased significantly. High profile work such as the investigation and prosecution of violence against women and children, sexual crime and domestic abuse will continue to form the bulk of our casework for some years to come. Sexual crime makes up almost 70% of High Court casework and is a significant proportion of cases prosecuted on indictment in the Sheriff Court. Domestic abuse cases continue to represent a significant proportion (22%) of the summary casework in the Sheriff Court.

The number of deaths requiring investigation remain high, evidenced by a 20% increase in the latest 2023-24 annual figures compared to pre-pandemic levels. There has also been a 15% increase in postmortem examinations instructed by COPFS over recent years. COPFS also faces additional pressures to investigate deaths relating to health and safety incidents. COPFS is currently conducting 39 mandatory Fatal Accident Inquiry (FAI) hearings, many involving high-profile health and safety incidents.

**Violence against Women and Children, Sexual Crime and Domestic Abuse**

Sexual crime makes up almost 70% of High Court casework in Scotland, involving our most serious criminal cases. The number of charges reported to COPFS with a domestic abuse identifier increased by almost 4% between 2018-19 and 2023-24. This work remains challenging and complex, necessitating extended investigations, intensive engagement with victims and detailed case management.

The Service is developing a trauma-informed model of delivery, prioritising the support of victims and witnesses. Specialist case preparation demands significant resources and advanced advocacy skills to ensure thorough investigations and appropriate case support. The process of gathering and analysing evidence, including social media and digital communications, has become more complex and time-consuming. The need for expert witnesses to interpret technical, scientific, and medical issues is increasingly essential.

Lady Dorrian’s Review of the Management of Sexual Offences through the Victims, Witnesses and Justice Reform (Scotland) Bill involves significant reform and changes to casework practices. The Appeal Court has, by reviewing the law of evidence in Scotland, expanded the scope of sexual offence cases which can now be prosecuted. We will implement recommendations from the Lord Advocate’s instructed internal review of the prosecution of sexual offences and the HM Inspectorate of Prosecution review of summary domestic abuse cases.

**Death Investigations**

The Lord Advocate has an obligation to investigate reported deaths, including more than 6,000 Covid deaths. COPFS’ investigation of deaths is critical to supporting families and keeping nearest relatives informed of progress throughout the investigation process.

Death reports have increased significantly over recent years.

*Deaths reported to COPFS from 2019-20 to 2023-24:*

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<b>Reporting Year</b>	<b>Reported Deaths</b>
2019-20	10,896
2020-21	15,712
2021-22	15,313
2022-23	14,149
2023-24	13,176

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During the 2020-21 reporting period, the first year of the pandemic, there was a 44% increase in death reports compared to 2019-20. The number of deaths requiring investigation has remained high in the post-pandemic period, and although reported deaths have reduced in each of the last two years, the latest 2023-24 figures record a 20% increase compared to pre-pandemic levels. Additionally, we are facing

increased pressures to investigate deaths related to complex health and safety incidents. There remain a significant number of legacy death investigations that COPFS is working to bring to conclusion as a priority.

The investigation of sudden or suspicious deaths is increasingly complex, requiring dedicated teams of skilled staff to be established for the most complex cases. COPFS' Scottish Fatalities Investigation Unit (SFIU), Health and Safety Investigation Unit (HSIU), Custody Deaths Unit (CDU) and the Covid Deaths Investigation Team (CDIT) are the specialist casework units with responsibility where a death requires further investigation. Skilled, experienced and dedicated resource is essential for carrying out this important statutory obligation effectively, timeously and in a trauma informed manner. COPFS endeavours to provide a more compassionate and effective response to bereaved families. Improvements to the system of death investigations are being driven via COPFS' Death Investigation Improvement Programme to provide timely information to bereaved relatives and reducing the journey time for concluding death investigations.

There has also been a significant increase in postmortem examinations instructed by COPFS over the last few years:

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Post Mortems instructed by COPFS				
Year	1 Doctor Post Mortem	2 Doctor Post Mortem	View & Grant	Total
2019-20	3,717	1,564	364	5,645
2020-21	5,633	322	680	6,635
2021-22	5,924	234	934	7,092
2022-23	6,039	222	784	7,045
2023-24	5,641	261	595	6,498

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The increases in post-mortems may be related to the pandemic, as GPs are unable to issue death certificates in cases where they previously would have, possibly due to not having seen the deceased in person for some time because of reduced face-to-face appointments or other related circumstances. There are cost pressures for COPFS associated with the rise in instructed post-mortems.

### **Criminal Court Backlogs Caused by the Pandemic**

The Covid-19 pandemic and associated restrictions, including court closures, led to significant backlogs of cases across the criminal justice system. In response, COPFS and its justice partners committed to a five-year plan to address these trial backlogs. The Scottish Government is funding the criminal justice system to tackle the case backlog and staff additional courts in the Sheriff Court and High Court. The efforts to reduce case backlog are further supported by COPFS - collaborating with criminal justice partners - to reform casework processes and ways of working at system level to deliver improved service outcomes. It is now clear, following the evaluation of the Summary Case Management pilot, that the scope to reform the summary court system will reduce the volume of casework far below pre-pandemic

levels. This will significantly benefit the public, including victims, witnesses and those accused of crimes in court.

### **Covid Death Investigations**

The Scottish Government provided COPFS with additional funding to establish a dedicated Covid Deaths Investigation Team (CDIT) to carry out the necessary investigation of Covid deaths timeously and to engage with and support bereaved relatives appropriately. Over 6,000 Covid-19 deaths have been reported to COPFS for investigation. A dedicated team of around 100 skilled staff are carrying out the necessary investigations. These are complex investigations, involving the gathering and review of significant amounts of material and sensitive consideration of the needs of bereaved relatives. Our work involves dealing with the NHS, care home providers and other relevant organisations. At October 2024, 1,363 covid death investigations had been closed. COPFS is also supporting and engaging with the Scottish and UK Covid-19 public inquiries, work that COPFS requires resources being found from existing budget.

### **Fatal Accident Investigations and Health and Safety Investigations**

As at October 2024, COPFS is conducting 39 mandatory Fatal Accident Inquiry (FAI) scheduled hearings and preparing an additional 19, having lodged an FAI First Notice. Recent high-profile health and safety investigations, for example, the Jenners fire, the New County Hotel fire in Perth, the Clyde tug sinking require complex and lengthy death and criminal investigations by experienced staff who are already committed to existing casework. COPFS is also dealing with a number of discretionary FAIs, which require substantial investigative resource and time commitment even though the majority do not result in an FAI.

### **Covid Time Bar Legislation**

The Scottish Parliament has approved an extension of the date for removal of the pandemic extended time bar legislation to November 2025. This date, which will not be extended further, defines the time available to COPFS to investigate and prosecute cases. In preparation for the legislative end-date, COPFS increased the number of cases being indicted in the Sheriff Court and High Court in 2024-25. The model chosen by Parliament to end the extended time-bars represents a very significant challenge for the criminal justice system with a high risk of disruption to the operation of the courts and increases in the prison remand population. COPFS is discussing with Scottish Government the provision of non-recurring resource funding to complete the investigation of backlog cases to comply with the legislative timescale.

### **New or Changing Legislation**

COPFS faces demands and expectations for implementing new or changing legislation, including the Victims, Witnesses, and Justice Reform (Scotland) Bill. Resources for implementing significant new legislation at this stage remain unfunded and will be subject to discussion with Scottish Government on resources and implementation planning at the appropriate stage.

## **Civil Recovery**

COPFS' Civil Recovery Unit (CRU) acts on behalf of Scottish Ministers to recover, through the civil courts, assets and monies derived from unlawful conduct. Since its creation in 2003, the CRU has recovered over £85.8m in cash and assets. Scottish Government invests these funds back into communities through the 'Cashback for Communities' scheme. The casework of CRU has increased in recent years and, with increased resources, its capacity could be extended to enable faster investigation of more cases in court or out of court settlements, resulting in improved justice and citizen outcomes and increased cash and assets recovery. Our 2025-26 budget proposals to Scottish Government incorporate investment options for increasing the capacity of CRU to deliver improved public service outcomes

## **COPFS Budget and Resources**

### Current COPFS Budget and Resources

COPFS received increased funding in recent years to improve its capacity to investigate and prosecute serious and complex crime, particularly sexual offences and violence against women and children; to reduce the criminal court backlogs caused by the pandemic and investigate 6,000 covid deaths; and resolve long-standing pay disparities with Scottish Government roles. We welcome the continued support of Scottish Ministers in delivering the improvements which the funding is facilitating.

The 2024-25 COPFS budget does not fund expansion or additional service provision. Subject to delivering almost £7m of committed efficiencies (this is over and above our application of Scottish Government in-year spending controls for 2024-25), it has enabled COPFS to maintain current staffing levels for this financial year to meet statutory and legally committed costs, support pandemic court recovery and absorb unfunded pressures from public inquiries and new investigations. COPFS is achieving the required efficiency savings from the application of stringent workforce and vacancy management measures, and by absorbing cost pressures arising from inflation and price increases for essential services and contracts.

### 2025-26 Budget and Resources

This is a crucial time for maintaining public confidence in the work of COPFS. We are at a pivotal point in our recovery from the pandemic, addressing the criminal case backlog, investigating Covid-19 deaths, improving public confidence and delivering better services for victims.

The table below shows a summary of the resource funding included in the COPFS budget submission currently being considered by Scottish Government Ministers: CRU to deliver improved public service outcomes.

	£m
<b>2024-25 Budget allocation</b>	<b>204.3</b>
Increase in employers' pensions contributions	1.3
2024-25 full year pay costs	1.7
2025-26 pay costs	8.1
Impact of changes to legislation	0.3
Non-staff inflation for essential services	2.5
New major cases	1.8
<b>2025-26 essential budget requirement</b>	<b>220</b>

Providing the essential budget requirements will enable COPFS to maintain its current plans to modernise and improve its work, performance and service to victims.

Approximately 82% of COPFS' resource budget is allocated to payroll costs. Our essential funding requirement for 2025-26 includes these pay costs for the next financial year. The impact of pay costs is increased due to the growth in staff numbers, approved by Scottish Ministers, to implement reforms, address the case backlog caused by the pandemic, and meet reasonable public expectations. Combined with non-staff inflation and other cost increases for supporting critical public services, this accounts for around 80% of the £15.7m increase in required essential funding for the upcoming year. Additionally, resource costs for new major cases and implementing legislative changes are included.

To maximise operational efficiency, COPFS has committed to delivering over £5m in annual savings through rigorous workforce management and other efficiency measures in our 2025-26 budget plan. These recurring efficiencies are embedded in the figures above and reflect an approach we have consistently applied over several years. This strategy enables COPFS to operate efficiently and minimise funding requests to the Scottish Government. COPFS continues to engage with the Scottish Government regarding its resource funding requirements for the next financial year.

#### Resource Pressures and Risks to Delivery

COPFS is engaged in dealing with an unprecedented number of complex investigations which require large teams of skilled prosecutors and staff. As highlighted, there are also resource pressures and risks relating to addressing the backlog of cases in order to comply with the removal of pandemic-extended case time bars, and for investigating legacy deaths properly and in a timely manner. COPFS has developed plans to allow, with non-recurring funding for a relatively short period of time, for a temporary expansion of capacity to resolve these pressures and risks without impacting adversely on wider service delivery. COPFS is discussing these funding proposals with Scottish Government Ministers and officials as part of the 2025-26 budget planning process.

## COPFS Delivery and Transformation

COPFS is driving organisational change and system level transformation. We are able to point to definitive efficiency savings from our involvement in the Summary Case Management (SCM) Pilot, which is improving the efficiency of summary justice, resulting in swifter outcomes being achieved for victims, witnesses, and the accused. The evaluation of the project in September 2024 indicated that the pilot led to a significant number of cases being resolved at an early stage, resulting in over 500 summary trials not requiring to be scheduled in pilot courts. Approximately 18,000 witnesses, including 11,000 police witnesses were not cited or recited. If the SCM approach had been implemented nationally during the pilot period, an estimated 3,270 trials would not have been scheduled and an additional 89,000 witnesses (including police officer witnesses) would not have been cited. The success of the SCM pilot - which has been achieved to date without additional funding or the need for legislation - has demonstrated the scope for transformational reform of a critical public service from 2025. We are working with the judiciary and partners to plan the implementation of SCM nationally, reflecting viable resource and delivery planning and will work with Scottish Government to develop this.

We are committed to victims and witnesses being at the heart of what we do to deliver a trauma-informed service. We have launched a digital Witness Gateway giving witnesses the option to use the online service to view their witness statement, confirm their availability for court, see court dates and to receive updates on their case. We are piloting a new digital Defence Agent Service (DAS) to give defence agents online access to case disclosure, information and facilities to engage with COPFS on their cases. This service is closely aligned to the implementation of the Digital Evidence Sharing Capability (DESC), which gives access to digital evidence like CCTV and is now deployed in 12 courts across the country. The Witness Gateway, DAS and DESC will be implemented nationally by spring/summer next year.

I have also launched an internal 'Designed for Success' programme that will implement changes to COPFS' structure, governance and management capabilities to ensure our organisation is resilient and equipped to deliver effectively and successfully - now and in the long term.

COPFS is committed to continuing with these and other ongoing initiatives to deliver improved services to users of the Scottish justice system and to innovate and improve the way we work.

## COPFS Resource Plan

We recognise the increasing budget allocations and the public sector resource challenges. COPFS is committed to reducing resource needs as pandemic recovery progresses, and reflecting efficiencies in casework, reform, and system level transformation. This plan, a key part of our future business planning, will support delivery, service improvements, and sustainable budget models. Our forecasts will demonstrate budget reductions as pandemic casework concludes. This includes an estimated £4.4m budget reduction in 2026-27 as Covid-19 death investigations conclude. We will collaborate with the Scottish Government and our partners to

finalise precise delivery and resource plans that reflect the pandemic recovery caseload and efficiencies achieved through ambitious system reforms.

## **Conclusion**

COPFS continues to operate within a complex and evolving Scottish criminal justice system. The recent funding increases have been instrumental in enabling COPFS to deliver justice effectively and meet reasonable public service expectations. The provision of adequate resource funding for the next financial year is crucial to continue addressing the criminal case backlog, investigating Covid-19 deaths, and managing demand-led pressures.

COPFS has made significant progress in improving casework outcomes, service delivery, and reducing the case backlog caused by the pandemic. We have highlighted examples of our work with partners to transform, innovate and deliver sustainable improvements to public services and more effective and efficient ways of working. Despite achievements to date, there is much work to be done. COPFS remains ambitious in its goals to transform and enhance the services it provides and in meeting the challenges of a dynamic criminal justice system.

It is essential to maintain the positive outcomes and benefits achieved through the funding support provided to date by Scottish Ministers. COPFS will continue discussions with Scottish Government regarding essential funding requirements and future planning over the remaining stages of the 2025-26 Scottish Budget process.

I hope this is helpful. I would be happy to provide the committee with further information and look forward to discussing COPFS' budget and resource plans at the committee's pre-budget scrutiny session on 6 November.

Yours sincerely

John Logue  
Crown Agent and Chief Executive



## Scottish Prisons Service

I write to provide a written response in advance of the Committee's deliberations on Pre-Budget Scrutiny 2025-26 for the Scottish Prison Service.

### Background

The Scottish Prison Service's (SPS) key objective is to protect the public by keeping those who have been sentenced by the Courts in safe and secure custody and deliver rehabilitative services for those in care. We deliver this through the positive relationships we develop and services we provide to those in our care, focussed on their previous offending behaviour, preparing them for return to their communities in order to reduce reoffending; and with our staff, by creating a supportive and positive work environments that promote our organisational values. We operate 14 public prisons across Scotland, 2 Women's Community Custody Units (CCUs) in Dundee and Glasgow and a further establishment is run by a private sector operator under contract to the SPS.

We directly employ around 5,041 staff on a daily basis and accommodate and provide support and services for approximately 8,300 individuals in our care. We also manage the contract for the Scottish Court Custody and Prisoner Escorting Service (SCCPES) on behalf of multi-agency justice partners for the provision of safe and secure transport of those in custody to and from courts, other establishments and healthcare appointments and the contract for the private sector prison.

The context in which SPS operates, is demand-led and highly complex. Each of the 14 prisons and the 2 CCUs are communities and operate 24 hours a day, 7 days a week. A cell is 'home' for those living in our establishments. Prisons are also the working environment for our staff. Accordingly and rightly, there are therefore significant regulatory and ECHR requirements that have to be met.

The current economic climate continues to be a very challenging one for SPS, as it is for the wider public sector and Scotland as a whole. Whilst we are realistic about the implications of that, we remain committed to keeping our prison environment safe, secure and stable for staff and those in our care and provide regimes and an environment that supports rehabilitation.

### Operational Challenges during 2024-25

The Committee will be aware of a population rise of around 10% over this past year which has had a significant impact on SPS operations. Most of our budgetary pressures are subject to the number of people in our custody, and we are noting an increase in the complexity of individuals' needs from health, social care, mental health and addictions. Today the prison population was 8,240 and we have been managing some of the highest levels we have seen since 2012, when the prison population peaked at 8,420.

The Emergency Early Release scheme agreed by the Scottish Parliament, which operated during June and July of this year provided some respite for our staff and partners, people in custody, and our establishments, but unfortunately, it was far

briefly than we had hoped and we have seen consistent week on week rises in admissions to prisons across Scotland. While the overall population numbers give a guide to the pressures faced, it should be noted they do not factor in the pressures of the changing population complexity which has also had a major impact on operational and staffing pressures and more relevant to my upcoming committee appearance, has driven up the core operating costs of running the prison estate. It must also be noted, that rehabilitative work is more challenging when prisons are as overcrowded as they have been as we find ourselves increasingly having to divert resource away from activities that support people's rehabilitative journey to prioritise the basic requirements of operating a prison.

It will not surprise anyone that the additional inflationary cost pressures, the increased volume and costs required to provide food, clothing, bedding and social care provision for a larger complex population, alongside increased costs for staff pay, utilities, rates and private sector contracts adds further fiscal pressures to the operations of establishments.

Despite these challenges, we remain committed to the delivery of a range of delivery work including staff harmonisation following the successful transfer of HMP Kilmarnock to SPS operations and progressing capital projects such as HMP Highland and Glasgow.

## 2024-25 Budget Position

The Scottish Government (SG) Budget 2024-25 was published on 19 December 2023 and the SPS allocation is detailed in Table 1 below:

**Table 1:**

	2023-24 SG Budget Bill	2024-25 SG Budget Bill	Increase/ (Decrease)
	£m	£m	£m
<b>Resource DEL</b>	<b>398.6</b>	<b>436.5</b>	<b>37.9</b>
<b>Non-cash (Depreciation and IFRS16)</b>	<b>45.2</b>	<b>44.7</b>	<b>-0.5</b>
<b>ODEL (PFI balance sheet adjustments)</b>	<b>1.2</b>	<b>-1.0</b>	<b>-2.2</b>
<b>Capital DEL</b>	<b>97.0</b>	<b>167.0</b>	<b>70.0</b>
<b>Net Position</b>	<b>541.9</b>	<b>647.2</b>	<b>105.2</b>

The SPS resource budget bill increased by £37.9m, an increase of 9.5%. However, in real terms the increase was 3.7% as a result of legacy cost pressures from prior years due to several factors including population cost pressures, pay awards, inflationary cost pressures and the impact from opening the Women's National Facility, all of which contributed towards an in-year funding request of £22.3m in 2023-24. These pressures have continued into 2024-25 with further pressure being experienced including:

- Increased costs for the operation of HMP Kilmarnock.
- Increased employer Civil Service pension contribution rates from April 2024.
- Increased Social Care and Health costs due to the changes in prisoner demographics in complexity and requiring increased care needs.

- Increased legal costs.
- Private contract inflationary increases in line with contractual price increase mechanisms.

These cost pressures have resulted in an in-year funding request of £20.2m in 2024-25.

**Table 2:**

	2024-25 Budget Bill	2024-25 Forecast Position	Increase/ (Decrease)
	£m	£m	£m
Resource DEL	436.5	456.7	20.2
Non-cash (Depreciation and IFRS16)	44.7	42.8	-1.9
ODEL (PFI balance sheet adjustments)	-1.0	1.2	2.3
Capital DEL	167.0	142.0	-25.0
<b>Net Position</b>	<b>647.2</b>	<b>642.8</b>	<b>-4.4</b>

The **Capital** budget for 2024-25 is £167.0m, (23/24 £97.0m) however due to rephasing and reforecasting on the major capital programme, SPS is currently reporting an underspend of £25m in 2024-25 Capital budget which has been returned to the Scottish Government. The current capital programme includes the finalisation of the phase 2 at HMP & YOI Stirling, replacing HMP Inverness and HMP Barlinnie, and works maintaining the SPS ageing estate (HMPs Dumfries, Greenock & Perth).

### Challenges for 2025-2026

The budgetary costs of the rising prison population is by far our most critical operational and strategic challenge. The increased complexity of those we care for, and our increased numbers make it more challenging for staff to provide the quality rehabilitative work which our justice system relies on, and which supports individuals in prisons to reduce their risk of reoffending and contribute to safer Scottish communities.

The complexity of our population such as the increasing number of sex offenders and serious organised crime gangs means that we continue to be constrained by suitable prisoner spaces to move population types around establishments. We have seen consistently high numbers of individuals held, often for long periods, on remand which adds a further population management challenge. Throughout we are seeing increase in health, mental health, social care and addiction needs which has impacted not just on our operations, but also on our partners across NHS, Social Work and Third Sector.

The impact of Serious Organised Crime across our estate is resulting in increasing numbers of attempts to introduce illicit substances and weapons into our estate. We have invested in body scanners across establishments, with success. We have seen a heightened threat of drones where their fast-evolving capability, technology and availability has increased significantly over the last few years. This is an increasingly

challenging security threat to SPS and a high risk to the safe and secure operation of SPS establishments.

Whilst we fully recognise the significant ongoing fiscal pressures across all public sector funding, SPS is continuing to engage positively with Scottish Government officials and the Scottish Ministers on the implications of the budget for 2025-26 and how to address the persistent pressures and new challenges being experienced across the prison system. SPS initial high level projections for 2025-26 indicate a provisional resource increase in budget for a number of pressures, including but not limited to:

- **Prison Population Pressures** - Greater funding is required to meet the additional operational running costs of an increasing population. SPS is working with the Scottish Government to identify the areas of expenditure affected by the volume increase in prisoner numbers, which includes additional staffing and other areas where the cost driver is driven by prisoner population numbers (i.e. food, clothing & bedding, utilities, cleaning costs and 3rd party costs such as Social Care, Social Work, Health etc). SPS have estimated that the increased budget required for 2025/26 will be around an additional £6m.
- **Pay Award** – Over the next year, we will be working with our Trade Union partners for the next Pay Award as the previous two year award concludes.
- **PFI & SCCPES Contracts** - Increased funding is required for the private prison operator and the prisoner escort service as a result of contractual inflationary increases, demand for additional prisoner places and the impact of higher prisoner volumes. SPS estimate the required funding in the 2025/26 is an additional £5.1m.
- **Kilmarnock Transfer into Public Ownership** – The Impact on the 2025-26 budget for HMP Kilmarnock will be a £3.1m increase in costs due to the full year impact of staff harmonisation of Terms and Conditions (Improvements in pay, sick pay, holiday pay, working hours etc) and also additional staff recruitment to align with SPS complement standards.
- **Operational Investment** is required in drone detection technology as a response to increased drugs activity from Serious Organised Crime to ensure SPS can continue to provide a safe and secure environment. Investment in the roll out of the pilot programme in the use of Body Worn cameras is also essential to achieve operational safety.

## Conclusion

Whilst these challenges are real and impact our operations, I am proud that we still have safe, ordered and secure prisons in Scotland despite increased numbers, which remain focussed and committed to supporting and working with those in our care to address their rehabilitation, and I grateful to the commitment and hard work of our staff who work in and across our estate every day with some of the most challenging people in our communities.

**CJ/S6/24/33/1**

I trust the information provided in this submission is helpful and I would be happy to discuss in more detail with Members during the evidence session of Wednesday 6 November.

Yours sincerely

**TERESA MEDHURST**  
**Chief Executive, SPS**