

Proposed change to point of early automatic release for short-term prisoners - responses to consultation

February 2026

Short-term prisoner release point: responses to targeted consultation

The Scottish Government ran a targeted consultation on proposals to change the automatic early release point for certain short-term prisoners. Following the changes made by the Prisoners (Early Release) (Scotland) Act 2025, most short-term prisoners are released after serving 40% of their sentence. The targeted consultation sought views on proposals to change that release point so that those eligible are instead released after serving 30% of their sentence.

The consultation ran between 3 February and 9 February 2026. There were 28 responses received and list of respondents is included at Annex A. Where permission has been given, the responses to the targeted consultation are published in this paper.

Response from Aberdeenshire Justice Social Work

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

We agree that the current situation within our prisons is not sustainable and that action is needed to reduce the current population, which is already well over capacity. However – we have already seen a reduction from 50% served to 40% served, and now the proposal is 30%. We were advised that the shift from 50% to 40% would have a positive impact on the overall prison population, but this would appear not to be the case and numbers continue to rise, despite people having been released early. Can we realistically say that the shift to 30% would make any notable difference? And if not then what is the next step – 20% served? 10% served? If someone is only serving 30% of a custodial sentence then this would raise questions around the need for a custodial sentence in the first place - could this have been a community sentence instead? We are also of the view that more work needs to be done with sentencers nationally, so that they have a better understanding of community sentences as an alternative to custody.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

We agree the current exclusions should continue to apply.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

We agree that children who are detained in secure care on offence grounds should also be eligible for consideration of early release as adults have, with the same exclusions.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

We are unsure as to whether or not the changes should apply to contempt of court, and the exclusion (similar to that for domestic and sexual offences) should perhaps

apply. We do not agree that people should be punished for being unable to pay a fine by putting them in prison – could the alternative be a community sentence? We agree that the changes to 30% should apply to fine defaulters also (although don't necessarily agree that they should be in prison in the first place).

Question 5: What are your views on the proposed transitional approach to initial releases?

We would agree with this approach.

Question 6: Do you have any other comments?

We would have some concerns about how the changes will be perceived by the public and by people who have been victims of crime where the person has been given a custodial sentence.

We would suggest that further work requires to be done with sentencers around the option to impose a community sentence rather than a custodial one, ensuring that prison is kept for those who really need it. Locally, we are still seeing examples of where custody has been used for short sentences, where really this could have been dealt with through a community sentence. [Redacted]

We would also request that those sentenced to SRO should continue to be excluded from Early Release – these cases involve statutory supervision and the sentence should be imposed where the person is considered to be a risk of serious harm. Finally we would wish to highlight that if the proposal is to further shift the burden of managing people who have been given a custodial sentence on to those in the community (such as Justice Social Work and Upside), on a voluntary basis, then this needs to be supported through additional investment in these services.

Response from the Care Inspectorate Jackie Irvine, Chief Executive

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

We note that shifting the balance between custody and justice in the community is a Scottish Government priority. The announcement on 3 February 2026 described the need to reduce the prison population as 'critical'.

In our 2024 Prison-based social work thematic review¹ we noted that the systemic pressures within the current prison system impacts on the capacity of prison based social work services to deliver services effectively and timeously.

In our previous 2022 response to the consultation on Bail and Release from Custody Arrangements in Scotland we noted the following in relation to automatic early release:

¹ [Prison-based social work thematic review.pdf](#)

- A successful early release to the community is likely to be more achievable when there is access to a range of suitable throughcare supports in the community.
- Effective early release planning needs to carefully consider the unique risks, needs and circumstances of the person.
- Determining an earlier point of release for a short-term prisoner should be subject to the same rigour as other pre-release processes, including if subject to electronic monitoring.
- The assessments undertaken by prison and community based justice social workers are central to such considerations and it is imperative that they have access to sufficient resources to meet demand.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Any expansion of the current legislation would require transparent decision-making and robust victim notification mechanisms. The Scottish Government previously excluded these category of offences to avoid discouraging victims from reporting such crimes. Any change to this rationale would require meaningful engagement with victim/survivor organisations, beyond the tight timescales of this current consultation.

We would expect any decision on early release to be underpinned by a shared understanding of the language of risk in accordance with FRAME.²

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

The same considerations would apply for young people as those noted in our response to question 1 above:

- A successful early release to the community is likely to be more achievable when there is access to a range of suitable throughcare supports in the community.
- Effective early release planning needs to carefully consider the unique risks, needs and circumstances of each person.
- Determining an earlier point of release for a short-term detained person should be subject to the same rigour as other pre-release processes, including if subject to electronic monitoring.
- The assessments undertaken by social workers are central to such considerations and it is imperative that they have access to sufficient resources to meet demand.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

Imposing an original monetary penalty such as a fine following an appearance in court (potentially including for a domestic abuse or sexual offence) would suggest that the sentencer had considered the seriousness of the circumstances and

² [FRAME: building a framework for risk management](#)

concluded that a custodial sentence was not required. Contempt of court may relate to a wide range of circumstances. However, the imposition of a custodial sentence or period of detention would suggest the sentencer viewed the commission as serious.

We would expect any decision on early release for the subsequent non-payment of fines to be underpinned by appropriate considerations of the circumstances, alongside any potential risk to the community (including previous victims).

Question 5: What are your views on the proposed transitional approach to initial releases?

We are not fully sighted on all the relevant detail so have not commented.

Question 6: Do you have any other comments?

As noted in our previous publications and contribution to HMIPS inspections, we would reiterate that Friday release often acts as a barrier to accessing important support in the community. This can be additionally challenging when the person has to travel some distance to their home area. There is an expectation that the existing provisions within the Prisoner (Control of Early Release)(Scotland) Act 2015 are used appropriately and consistently to promote a successful transition from custody to community. In the longer-term, it would be useful to have a better understanding on any impact from the Extension against the Presumption of Short Sentences and the Bail and Release from Custody (Scotland) Act 2023, in terms of making sustainable shifts in the balance between custody and community.

Response from COSLA

COSLA is the national voice of Local Government in Scotland, we work on councils' behalf to focus on the challenges and opportunities they face, and to engage positively with governments and others on policy, funding and legislation.

We welcome the opportunity to respond to the consultation, which is of crucial importance. Due to the timing of this consultation, we have not had the opportunity to agree a response through COSLA's governance structures. The following is therefore an officer response, based on existing positions and limited engagement with a small group of colleagues across the Local Government family.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

It is unclear what evidence underpins this further change to the 30% release point, or what specific additional measures, if any, will be implemented to reduce reoffending among the affected cohort.

It is also necessary to consider this proposal in the context of the Presumption Against Short Sentences (PASS), which reflects the substantial evidence that custodial sentences of less than 12 months are ineffective and can be detrimental. Under the proposed STP30 arrangements, it is unclear how many individuals will in practice serve more than 12 months in custody. An individual would require an

original sentence of at least 36 months in order to spend over 12 months in prison, meaning that the majority of those affected by this change are likely to experience very short periods of custody.

The well-established adverse impacts of short custodial sentences are the basis for the introduction of PASS. However, this evidence appears to be given limited weight in the current proposal, which seems primarily driven by the need to address pressures on the prison population. The proposal risks increasing the use of short-term imprisonment without any accompanying measures to mitigate its known harms, and without additional investment in prison-based support, such as enhanced substance use services or other rehabilitative provision

While the individuals to whom this change applies are less likely to fall within the high-risk category, they are more likely to present with high levels of need, requiring coordinated input from key partner services such as housing, drug and alcohol support, and mental health services. These services are already under significant pressure, and increasing the number of individuals released early is likely to place further strain on them. This may, in turn, reduce the likelihood of effective engagement with support services, thereby undermining efforts to prevent reoffending. Moreover, directing efforts towards managing another early release process reduces capacity to deliver more fundamental upstream services to prevent reoffending and deliver community sentences.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

The exclusion of domestic and sexual offences is strongly welcomed. However, where the index offence is not domestic or sexual in nature, but there is a known history of such behaviour, there is concern that a gap may emerge in the identification and management of risks posed to women and children.

It is also considered that other categories of serious offending should be included within the exclusions, particularly offences involving serious violence or serious and organised criminality, including terrorism-related offences and individuals subject to a Supervised Release Order (SRO). These exclusions reflect the need for robust risk assessment and risk management arrangements to address the potential for further serious harm. In addition, the impact on victims of these offence types must be explicitly recognised, given the significant risk of further harm.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

We agree that consideration should be given to applying the proposed 30% release point to children placed in secure care, as this would better support timely and planned reintegration while helping to minimise the negative impacts associated with extended periods of restriction.

Any change of this kind would need to be supported by robust transition arrangements to ensure that children's rights to safety, stability and appropriate support are upheld throughout their return to the community. Given the current

pressures on community services, it is essential that the right resources are in place so that reintegration is effective, rights respecting, and does not compromise either the child's wellbeing or wider public protection.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

No specific views – same points apply as for other eligible short-term prisoners.

Question 5: What are your views on the proposed transitional approach to initial releases?

There is concern about system fatigue, particularly within local authorities that undertook high volumes of file checks during the current Emergency Early Release (EER) process. The introduction of a further emergency release process, albeit slightly different in scope, raises questions about the impact on staff morale and organisational capacity across some local authorities.

There is also a need for clarity on how lessons learned from STP40 and the current EER process will be incorporated into this next phase of releases.

In addition, we are concerned that both statutory and third-sector services will struggle to provide adequate support to the increasing number of individuals leaving custody early, given ongoing resourcing challenges. Adequate and sustainable resourcing has been consistently identified as critical to enabling smooth and robust liberation processes for prison leavers, as well as for their families, victims, and witnesses.

Finally, the potential impact on larger local authority areas, where higher numbers of individuals are likely to be released and choose to reside, is noted as significant. Local authorities are therefore keen to understand proposals for pre-release planning and the mechanisms that will be put in place to ensure that local services are able to manage and respond effectively to the increased demand.

Question 6: Do you have any other comments?

We have concerns about the very tight timescales for consultation and consideration of this significant change, as we have not been able to adequately seek views from our Member authorities in the preparation of this response.

Finally, we note that the modelling underpinning the projected sustained reduction in the prison population as a result of this does not appear to account for anticipated rates of reoffending. Evidence from both the STP40 releases and the current Emergency Early Release (EER) tranches indicates that reoffending has occurred in practice. We therefore ask that further consideration be given to the inclusion of reoffending assumptions within the modelling, as their omission may materially affect the accuracy of the projected impact.

Response from CJVSF

Thank you for the letter dated 3rd February, seeking CJVSF's views on a proposed change to the automatic early release of certain short-term prisoners. CJVSF is a collaboration of voluntary sector organisations working within justice in Scotland. We met with some of our members on the 5th of February 2026 to discuss the proposed changes and invited comments from all members by email and telephone. Our responses to the questions posed can be found below.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

CJVSF is acutely aware of the current pressures within the penal system in Scotland and the need to address the immediate and longer-term impacts of an unsustainably high prison population. The risks, harms and collateral impacts of prison overcrowding are well established, including those laid out 10 years ago by HM Chief Inspector of Prisons for Scotland.³ Our members continue to work alongside our various partners in prisons and communities to support individuals and families impacted by the justice system.

However, CJVSF members have also consistently raised concerns at the decisions to date that continue to unsustainably transfer the crisis within prisons, to the community. CJVSF has ongoing and serious concerns about the effectiveness of previous releases, lack of meaningful resource to support good outcomes for people and communities and the absence of long-term solutions to unsustainable prison numbers. On this basis, CJVSF members do not feel able at this present time to support the proposal to change the release point for certain short-term prisoners to 30%. We also note the incredibly short timescale to respond in full to a consultation on such a significant change.

This particular response continues to focus short-term crisis-response efforts at one specific point in the justice system, i.e. the point of release from prison. Members' specific concerns at this strategy are centred on the impacts and risks for:

- The individuals leaving prison early and their families
- Access to services by other groups not eligible for early release
- Victims and their families
- Third Sector staff and the wider justice sector
- Prison numbers beyond the very short term
- Public confidence in the justice system
- Capacity within the justice sector to work on other much-needed reforms that will be necessary to resolve this issue in the longer term.

Members are concerned that the proposed course of action will, rather than reducing pressure within the system, simply continue to transfer the crisis from prisons on to exhausted and under-resourced community services. The sector has already been asked to deliver three short-term crisis responses (two Emergency Early Release programmes and STP40) within a two-year period on top of their normal service provision. Unreasonable expectations are being placed on the third sector, with staff not being given the time they need to plan and develop the crucial relationships with

³ [HM Chief Inspector of Prisons for Scotland: Annual Report 2005-2006](#)

people ahead of release that we know are necessary to support service engagement and positive outcomes, including release planning for basic needs such as medical appointments and bed spaces on day of release. Risk management and care planning is also impacted when there is no time for joint planning between partners.

The requests for assistance with multiple short-term crisis responses are taking place within the context of freezes and cuts to third sector funding and this is impacting the ability of services to respond to people's needs. The erosion of funding arrangements for the third sector services over several years is being strongly felt across the sector.

Without the necessary community support and services in place for people, the risk of harm to individuals, families and communities is increased. Risk management and care planning is also impacted when there are truncated timescales for joint planning by and between partners. Members are therefore concerned about the impacts of this, for example the potential for increased levels of homelessness, drug-related harms and deaths, suicides and the impacts on specific cohorts with specific needs, such as children & families, veterans, victims, people in recovery and those with specific trauma-related challenges in the transition of leaving prison. Members frequently support people with multiple complex needs, and part of providing trauma informed and person-centred care is clear consistent relationships, guidance and timelines to work within.

The current housing emergency means that access to housing for people leaving prison remains an ongoing challenge and members report inconsistent practice in relation to implementation of the SHORE standards across the country.

Under Emergency Early Releases, governor vetoes can be used to protect people's access to residential rehabilitation places. Governor vetoes would not apply to STP30 and members are therefore keen to understand what additional measures, if any, would be put in place to ensure people's access to residential rehabilitation on release is protected.

Members also highlighted the potential impact of the proposed change on children and families, noting that parental contact or resumption of care of their children is far less likely if people are presenting as homeless on the day of release. The impact on children of parental (or another significant adult's) death due to drug-related harm or suicide after leaving prison was also raised as a concern. Families are also reporting that, in some instances, benefits are not being set up in advance of people being released, which creates an additional financial burden for the family.

Adopting short-term crisis responses also has implications for other groups accessing services, such as people on remand and people serving sentences that are not being released early, because resources are consistently being diverted to the crisis response. This prevents usual service delivery whereby third sector partners can develop relationships that support positive changes and outcomes for individuals. As a result, the longer this crisis goes on, and the more short-term response measures that are adopted, the less effective the third sector (and other partners) can be in performing its critical role.

The gaps in monitoring data around outcomes for individuals leaving prison early (for example on homelessness, drug-related deaths) is one that needs to be urgently addressed if future policy decision-making is to be based on robust data and evidence. Even if the only policy objective was to reduce prison numbers, various data gaps in relation to return-to-custody information makes it difficult to determine the likely impact of the proposed policy. A key question that remains unanswered is: Do people released early have a higher risk of returning to custody and, if so, to what extent are early releases increasing, rather than reducing, the overall prison population in the medium term?

Without accurate and consistent data, we do not know whether this approach may in fact make the current situation worse. Inconsistencies in the way that returns-to-custody have been measured across the various early release programmes over the past six years further compounds this issue. For example:

- For STP40 (non-emergency early releases) in spring 2025: Figure of 5% for individuals that returned to custody prior to their 'original' Earliest Date of Liberation. (Source: SPS (September 2025) Prisoners (Early Release) (Scotland) Act 2025 Data Report)⁴
- For 2024 Emergency Early Release Programme (summer 2024): Figure of 13% for individuals that returned to custody prior to their 'original' Earliest Date of Liberation AND before 11th December 2024. (Source: SPS (February 2025) Early Release of Prisoners and Prescribed Victim Supporters (Scotland) Regulations 2024- Returns to Custody Analysis)⁵
- For 2020 Covid-19 Emergency Early Release Programme:
 - Return to custody measured within six months: An answer to a parliamentary written question⁶ in February 2025, asking about reoffending rates within 6 and 12 months of release states that, "For the May 2020 Coronavirus specific emergency early release process, as of November 2020, 142 of the original 348 individuals who were released early had returned to custody."
 - Return to custody measured within four years: An FOI response⁷ from May 2024 states: "348 individuals were released under the emergency Covid powers. As of 11 April 2024, 250 had returned to custody at some point. We don't hold the information on the total who have reoffended since release (e.g. any individuals who may have committed a crime but not received a custodial sentence for it)"

What is known is that previous early release programmes have not resolved the prison overcrowding problem and have impacted capacity within the sector to work on other much needed reforms. When a further crisis response begins, the functioning of the entire justice "system" is severely inhibited as resources and focus is diverted to delivering the short-term response. Members are therefore also concerned about the wider risks to public confidence in the justice system. A different approach is required at this critical juncture, one that involves a decisive shift away from an over-reliance on imprisonment towards community-based

⁴ [Early Release of Short-term Prisoner data | Scottish Prison Service](#)

⁵ [Returns to custody - Emergency Release Feb 2025.pdf](#)

⁶ [Written question and answer: S6W-34638 | Scottish Parliament Website](#)

⁷ [HQ24003 Response.pdf](#)

approaches. We need to turn off the tap by investing in communities and evidence-based approaches that stop people entering and returning to prison. If we do not do this now, members are clear that the prison crisis will not be resolved and we will remain stuck in an ongoing cycle of short-term crisis response measures that fail to address the underlying causes of the problem.

These messages are echoed in various significant reviews and inquiries that have taken place in the last 12-18 months, including the Criminal Justice Committee's Inquiry into the harm caused by substance misuse in Scottish Prisons,⁸ and the recently published Scottish Sentencing and Penal Policy Commission report: "Justice That Works".⁹ It is essential that we learn from the significant lessons and work to date, if Scotland is to truly transform its justice system from crisis management, to one that works for people and communities.

Some members have questioned whether, rather than focusing any early release programme on time served, it would be more effective to focus immediate efforts in reducing the prison population on other (or multiple) cohorts: for example, taking actions to reduce the number of people on remand or the number of long-term prisoners. Others suggested a more person-centred approach, for example expanding compassionate releases or finding ways to allow older people with significant care needs to be relocated to community-based settings that may be better equipped to meet their needs. However, concerns about the timing, short-term nature and lack of available community resources to effectively support further additional release programmes remain.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Members are keen to understand more about the rationale used to determine the exclusion of certain offences and what risk assessment criteria has been utilised in this decision. For example, members observed there is significant variety in rates of reoffending for various types of offending.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Secure accommodation has a specific role in providing residential care to the small number of children who may be a significant risk to themselves, or others in the community. According to secure care page on The Scottish Government website,¹⁰ "Their needs and risks can only be managed in secure care's controlled settings."

We would therefore welcome clarification as to how children's needs and risks will be managed if the equivalent changes were to be made for children currently detained in secure accommodation. In particular, members are keen to understand what

⁸ [Inquiry into the harm caused by substance misuse in Scottish Prisons | Scottish Parliament](#)

⁹ [Executive Summary - Scottish Sentencing and Penal Policy Commission report: Justice That Works - gov.scot](#)

¹⁰ [Secure care - Youth justice - gov.scot](#)

actions would be taken to ensure continued compliance with the Secure Care Pathway and Standards¹¹ and children's rights under UNCRC.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

Sending people to prison for fine defaults risks criminalising poverty. Rather than reducing the automatic release point, members proposed a more person-centred approach could be taken to reducing the number of people in prison serving sentences for fine defaults and contempt of court.

Question 5: What are your views on the proposed transitional approach to initial releases?

We are unclear from the letter what the proposed transitional approach would encompass. Having sought clarification at the weekly Operational Delivery Group meeting for Emergency Early Release, our understanding is that a broadly similar approach to STP40 is proposed, whereby individuals that become eligible for early release would be released in specified tranches until such a point as it becomes business as usual. There does not yet appear to be a proposed end date for the use of tranches nor a proposal for how many tranches would be required.

More detail on the proposed transitional approach would be necessary before offering a comprehensive view. However, broadly speaking, we agree it would make sense to spread the initial surge of releases over multiple tranches rather than to have a single release surge if the proposed change to release points goes ahead. Adopting the use of tranches is not, by itself, sufficient to mitigate the risks and ensure effective implementation. For example, the ongoing housing issues will still apply, even with a transitional approach, and third sector partners would still be expected to support additional people coming into the system without additional capacity or resource to do so which would mean diverting support away from other people.

Question 6: Do you have any other comments?

CJVSF welcomes the opportunity to respond to this consultation. As noted above, we appreciate that the population pressures within prisons are acute and are having significant, ongoing impacts. However, CJVSF cannot support a policy response that continues displacement of this crisis onto the community which is already under immense strain. CJVSF will continue to work with all partners to develop and implement sustainable strategies and solutions that reduce risk and improves outcomes for all, across the whole system.

**Response from Dumfries and Galloway Community Justice Partnership
Vikki Binnie, Community Justice Manager**

¹¹ [4. Background - Future of secure care and the single point of contact \(SPOC\) for victims: consultation - gov.scot](#)

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

This highlights a tension that sits right at the heart of Scotland's current justice debate: the prison population is too high to sustain safe, rehabilitative custody, yet the tools designed to reduce that population have not meaningfully shifted the numbers. For example the Presumption Against Short Term Sentences, Bail with Electronic Monitoring and the recent Early Release.

We believe that automatically releasing some short-term prisoners when they have served 30% of their sentence is a necessary pragmatic measure at this time but are concerned about the risk of unintended consequences. It seems possible, for instance, that to ensure offenders receive what Courts consider to be an appropriate period in custody, they will impose longer sentences. Sentence inflation has been observed on other jurisdictions in response to early release and may happen here. For example, following this change a two-year sentence would result in the individual serving only 7.2 months. Meaningful and appropriate rehabilitation programmes would be unable to be delivered within this time frame. Furthermore, the disruption to individual's lives caused by a short prison sentence such as loss of housing, employment and relationships cannot be understated, potentially leading to the revolving door effect. There is also the potential that this measure will lead to public confidence in justice being further eroded.

Experience from Early Release Schemes demonstrates the value of mechanisms such as governor vetoes, which help ensure that individuals who meet eligibility criteria but present a risk of harm are not automatically released. Retaining such safeguards would support system credibility and risk management both in custody and in the community.

We also consider that wider reforms are required, including revisiting the presumption against sentences of 12 months or less, expanding community based alternatives to custody, and strengthening the use of Bail with Electronic Monitoring through routine supervisory support. These measures could be advanced through complementary legislative and resource changes.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Given the significant physical and psychological harm associated with domestic abuse and sexual offences, exclusion from the proposed early release arrangements is appropriate, defensible, and consistent with a victim centred approach. This aligns with the Vision for Justice, which emphasises that custody should be prioritised for individuals who pose a risk of harm. For this cohort, custody also provides greater opportunity to address offending behaviour through structured interventions.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

The Care and Justice (Scotland) Act 2024 rightly recognises that 16 and 17 year olds are children and that, where custody is required, secure care—not prison—is

the appropriate setting. Article 37 of the UNCRC requires that deprivation of liberty be used only as a last resort and for the shortest appropriate period. Children in secure care frequently experience challenges at transition points, including inconsistent or insufficient community support. Aligning release arrangements for sentenced children with the proposed 30% threshold would support earlier, planned reintegration and reduce the harms associated with prolonged restriction.

From an equality perspective, it would be inappropriate for adults to benefit from earlier release while children do not. As all children in secure care are care experienced and subject to formal planning and review processes, any change must ensure adequate time and resource for robust transition planning, consistent with the Secure Care Pathway and Standards.

It is important to note that only a small proportion of children in secure care are placed there through sentencing; most are admitted through other legal routes. Should equivalent changes be introduced, they must be accompanied by strong safeguards, including Chief Social Work Officer approved assessments where a Children's Hearing is considering a custodial measure. We also consider that, in line with UNCRC compliance, all children requiring formal measures should be dealt with through the Children's Hearing System rather than the Sheriff Court.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

We support extending the proposed changes to individuals serving short term sentences for fine default and contempt of court, as well as those imprisoned for non compliance with community alternatives. Given that breaches represent a significant and increasing proportion of the prison population, we would support a review of engagement and enforcement approaches within community sentences.

Question 5: What are your views on the proposed transitional approach to initial releases?

Implementing the new arrangements only after the conclusion of the current Early Release Scheme in April 2026 is a proportionate and practical approach. This will allow partners to maintain focus on the effective delivery of the existing scheme while preparing for the operational and risk management implications of release at 30% of sentence. The ERS process has generally functioned well, and locally numbers have been low, despite this it should be noted that a percentage of those released early quickly returned to custody. Locally the collaborative assessment and planning processes sit with Dumfries and Galloway Multi Agency Community Reintegration Board, which was in place prior to ERS. It is anticipated that this would continue to be the route used to support.

Question 6: Do you have any other comments

We note the letter states 'The prison population has reached critical levels, and these proposals form part of a range of measures designed to support a sustainable reduction so that prison places are focused on people who absolutely need to be there'. Changes to sentencing rather than early release may be more meaningful

and impactful in the longer term. We look forward to the forthcoming publication from the Commission on Penal Policy and Sentencing.

Rather than pursuing radical or untested reforms, we consider that priority should be given to strengthening existing governance structures, maximising the use of current interventions, improving data analysis, and enhancing performance management. There is still very little (or no) awareness raising being done with communities to increase their understanding of the effectiveness of community sentences and the fact that many of those being released early or receiving short term prison sentences would be better served through a community sentence in the first instance, rather than going to prison (with all the associated impacts of that and disruption to the life of those involved) and being released early. Without this public confidence in justice, particularly for those receiving custodial sentences and serving what they see as the bare minimum, will continue to be eroded, and justice seen as 'soft'.

Whilst STPs are not subject to statutory throughcare and their release is unconditional there would still need to be resource identified if more people are being supported in the community by all services, including universal services.

Response from East Lothian Council
Ciara Webb, Service Manager Justice Social Work

East Lothian Council is not in support of the proposed change to release people at 30% of time served.

We recognise the need to reduce the prison population however the provisions introduced in 2024 and 2025 to release individuals serving short-custodial sentences early and to reduce time served in some cases to 40% do not appear to have achieved the intended impact. We would welcome evidence demonstrating the effectiveness of these measures, as we are concerned that they may be creating churn rather than supporting rehabilitation. We also acknowledge that the proposed change would not apply to individuals convicted of sexual or domestic offences.

When someone is given a custodial sentence, their victim will have expected them to be in custody for a determined period of time. The goalposts have already been moved once in this respect, and to move them again might undermine trust in the Justice system and is likely to disrupt the expectation of 'justice' held by victims. Any move to 30% of sentence needs to have a corresponding reinforcement of the Victim Notification Scheme and services to support victims of crime, alongside robust, victim-centred safeguards. With early release proposals driven by overcrowding, there is an increasing perception that victim safety is secondary to managing prison numbers.

From a Justice Social Work perspective, we are clear that focus should shift from short custodial sentences to community sentences, where this is appropriate and in line with risk, need, and public protection. In East Lothian, we undertake a quality assurance exercise of the Justice Social Work Report each time a custodial sentence is imposed. Our 2024-5 data indicates that 21 short custodial sentences were imposed, and custody was not considered inevitable in 13 of these cases. This means that in 62% of cases where a short-term sentence was imposed, it was the

Social Worker's assessment that the criminogenic risks and needs could be effectively targeted in the community. In Q1-Q3 2025-6, a short custodial sentence has been imposed in 10 of the 23 cases where a custodial sentence has been imposed. In six of these 23 cases, a robust community disposal was proposed, indicating that the Social Worker's assessment was that the criminogenic risks and needs could be effectively targeted in the community.

We have an effective prison-release planning group in East Lothian, Transition, that allows for release planning in a collaborative way, ensuring that all necessary support needs (housing, healthcare, employability, finances etc. are in place). Early release schemes have already put significant additional pressure on our services.

We are in the midst of a national Housing Emergency and currently face a significant lack of affordable housing and corresponding homelessness pressures. In respect of homelessness, East Lothian Council continues to report breaches of the Unsuitable Accommodation Order monthly and is therefore legally not compliant with statutory duties. We also have one of the longest length of stays in temporary accommodation nationally. Notwithstanding the challenging context, the Council's Housing Team has worked hard over the last five years to enable a planned approach to people leaving prison, ensuring sustainable housing outcomes where possible, in accordance with SHORE. Significant work has been carried out in collaboration between Housing, Justice Social Work and Police, with good outcomes achieved. The Council and its partners continue to strive for excellence in this regard. While we understand the pressures on the prison population, the pressures must also be recognised in terms of homelessness and rough sleeping and the wider refugee and asylum seekers policy agenda. Unfortunately, there appears to be limited acknowledgement of this wider context and the impacts on the Housing Team, our homeless population and our wider tenants and residents.

Consideration might be given to re-visiting the long-term prisoner population. During your consultation on changing the release point for long-term prisoners in 2024, it was recognised that there was notable support amongst the responses for increasing the time some long-term prisoners spend in the community, with recognition that this can improve reintegration and other outcomes. Most respondents were supportive in principle to a change in the point of release. Your Occasional Paper, Long-term drivers of and changes in the prison population, published on 11 June 2025, reflects that short-term prisoners now account for a much smaller proportion of the sentenced population. The 2016 change to the release point for long-term prisoners means that long-term prisoners who are not recommended for release by the Parole Board have had to serve a greater proportion of their sentence in prison, thereby increasing the prison population.

We would welcome further consultation on additional measures over and above the short-term prison population to address overcrowding in our prisons.

Response from Edinburgh Health and Social Care Partnership / City of Edinburgh Council's Adult and Young People's Justice Services

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

We consider that the number of people being sent to prison to serve a short-term sentence is too high therefore agree with releasing some of those individuals earlier however, there are concerns relating to unintended consequences which are set out below.

Planning for release and access to supports

There are concerns in relation to those who need to access supports while in custody; the proposal will mean a shorter time frame in which to organise assessments and implement appropriate interventions. The time pressure may result in individuals not getting the support they need, which may include a package of care and/or support that may be difficult to resource within a short time frame. This is particularly relevant for those with an alcohol and/or drug dependency who start on a recovery programme in prison and are released a short time afterwards before achieving stability. Ideally, those individuals are picked up and channelled into recovery supports on release however securing the right supports at the right time within such a short time frame presents additional challenges and successive transitions are likely to increase vulnerability and uncertainty for this group. For some vulnerable individuals with chaotic lifestyles, for example, the care experienced who struggle with adapting to adult life, prison represents a safer haven and short-term accommodation security, and in the absence of a deterrent, petty crime is a realistic option to secure an element of stability. The proposal to change the release point may result in an unintended increase in petty crime with some adults seeking this outcome.

Short term sentences can create significant disruption to treatment plans, accommodation, family relationships, employment, and financial stability. For those on remand subsequently sentenced to a short-term sentence, there may be immediate release after a court appearance due to time already spent in custody. This process affords little to no time for support planning to address the aforementioned issues and an unexpected release can place additional pressures on services where particular family vulnerabilities and/or child protection concerns apply. The revolving door of prison and community, and lack of ability to plan for an individual's release undermines the work of justice services and causes the most vulnerable to lose faith in the system and its ability to get them the support they need.

Engagement with sentencers

There are concerns that sentencers will compensate for the new release point by increasing sentence length. Additionally, for many individuals, Justice Social Work recommend credible alternatives to prison however those are not accepted and sentencers hand down short-term sentences. We consider that the preferred approach to reducing the prison population would be to engage with sentencers to reduce both the number of people given a short-term sentence, and the remand population.

Public perception

The general public's perception of the justice system is likely to be negatively impacted, not only by the proposed change but by the repeated use of the Emergency Early Release (EER) Scheme. Similarly, survivors, victims, and victim's organisations' confidence in justice more widely is likely to be reduced. There is concern that trust in the justice system overall is eroding and that this lack of confidence may begin to extend to community sentences and interventions.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

We agree that those groups should be excluded from the proposed change in the interests of safeguarding, justice, and to preserve the credibility of the system for the general public and victims. Prison should be reserved for those who present a risk of harm; this approach allows for more opportunity to address the offending behaviour while individuals are custody.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Our current experience is that most of the Edinburgh children in secure care are placed there via the courts and not the children's hearing system. This makes sense given we should only be depriving children of their liberty in the most serious of circumstances and these are often the cases retained by the Procurator Fiscal and usually under solemn proceedings.

Given the purpose of the proposed changes to early release is to reduce the pressure within the prison estate, we would note that there is not the same pressure currently on secure accommodation placement availability (though there have been capacity issues within the last 18 months). That said, we would agree with the Social Work Scotland view that from an equalities perspective we should not be treating children more harshly than adults therefore the changes should apply to both equally.

The length of time that children are on remand is a current concern for us and our view is that if children's cases progressed through court more quickly this would ultimately be more beneficial than reducing the length of time served on a custodial sentence. We have had a number of children who have been on remand for significant periods of time who have had to move into a YOI on their 18th birthday when, had they been to court already, it may have been possible to avoid this entirely.

One important point that separates children from adults is that, under s7(1)(a) Prisoners and Criminal Proceedings (Scotland) Act 1993

Children detained in solemn proceedings.

(1)Where a child is detained under [section 208]¹² of the [1995 Act]¹³ (detention of children convicted on indictment) and the period specified in the sentence—

¹² [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) F1

¹³ [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) F2

(a) is less than four years, he shall be released on licence by the Secretary of State as soon as (following commencement of the sentence) [the period mentioned in subsection (1ZA)]¹⁴ has elapsed;....

This legislation does not appear to be well known (probably because most children serving custodial sentences are not released prior to their 18th birthdays). Challenges may arise for example, where justice social work recommend a community sentence but instead an individual is sentenced to custody and released immediately on license due to time spent on remand. This leaves little time to put appropriate arrangements in place e.g. completing a Home Background Report (HBR) and with earlier release dates the possibility of this occurring does increase and poses challenges to staff. Justice social work therefore requires further clarification and would welcome the opportunity to discuss the proposal's implications prior to any changes being implemented. With a reduction in time spent in custody this issue may begin to apply to more children if they are released prior to their 18th birthdays. I don't think the pending changes being brought in by the Care and Justice Act Scotland 2024 will impact this but it would be good to have some further clarity on this point if that's available.

A final point- transition planning for young people returning to the community from custody can often be challenging and robust planning will need to be in place to support early release- anything that reduces the amount of time available to plan and make arrangements for a child (particularly around onward accommodation) could result in more difficult transitions. When remands are taken into account, this could leave very little time for planning. While we wholeheartedly agree that children should be detained for the shortest time possible, the challenges of making transition arrangements in very short timescales, and the impact of this not being done well cannot be discounted.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

We consider that in most cases people should not be sent to prison for fine defaults. In many cases, those individuals live in poverty, are unable to make payments and the cost of imprisonment is disproportionate to any amounts recovered. A preferred option would be to utilise Fiscal Work Orders. Fine default sentences should be reserved for particularly high value, serious cases and for those relating to the proceeds of crime.

Question 5: What are your views on the proposed transitional approach to initial releases?

A phased approach is supported particularly if justice services will be asked to provide feedback in relation to risk prior to release; should those checks be required justice services would need additional resource going forward.

Question 6: Do you have any other comments

¹⁴ [Prisoners and Criminal Proceedings \(Scotland\) Act 1993](#) F3

The following comments from housing colleagues relate to housing issues for people being released from a short sentence.

It would be helpful to review the process relating to housing for individuals serving a short-term sentence and to try to implement a more coherent procedure with locality housing on what to do with tenancies for those going into prison.

Currently, a case by case basis is employed. However, if people are only serving 30% of sentences it is still likely that Universal Credit housing costs will stop (this applies to any sentences over 6 months) but in reality, the tenant will be released likely within 6/9/12 months. In those circumstances it does not make sense to encourage people to terminate their tenancy, as this in turn puts more pressure/costs on homeless services.

Rather a sensible approach would be for their tenancies to be kept open with arrangements made to have costs covered. In practice, some tenancies might need to be terminated depending on the offence and where other issues apply such as antisocial behaviour and rent arrears, but robust arrangements need to be developed in order to support a consistent approach for people whose tenancies could be at risk upon detention.

There should also be scope to exclude certain drugs offences e.g. supply, from the proposed early release changes.

There is also concern that as this proposal will result in around 200-300 people being released; even if sustained, this number is insufficient to prevent the prison population from returning to crisis levels, particularly as the measure is being introduced immediately after 3 rounds of EER.

Response from Falkirk Health and Social Care Partnership

This response provides feedback from a range of services including Prison Healthcare Services, Justice Social Work Services and a range of community justice partner agencies within the Falkirk Health and Social Care Partnership area.

In addition to the comments specifically from local services, Social Work Services identified the issues set out by Social Work Scotland in their response and stated their support for these views.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

Whilst there was a view that this will benefit offenders and services in the long run. It is considered that this will effectively be a continuation of the emergency releases happening since November. Once the initial tranche is completed it will become everyday practice for services with lower numbers of release over time. However, staff would like to see the feedback/concerns raised throughout Tranches 1-5 acknowledged and actions to prevent these put in place

The main concerns raised by Prison Healthcare services relate to the initially increased volume of releases and services ability to safely and effectively manage the associated clinical workload. Specifically:

- Screening capacity: A higher number of early releases will significantly increase demand for timely health screens and assessments. This poses a risk to safe and consistent clinical decision making, particularly where complex physical and mental health needs are involved.
- Impact on community referrals: Coordinating urgent community referrals at short notice will place additional pressure on already stretched teams and may lead to delays in establishing appropriate continuity of care.
- Service impact and delays: Increased release activity is likely to cause delays in core prison healthcare functions—including triage, treatment room activity, SRT, and mental health reviews—as staff are redirected to urgent release related tasks.
- GP/ANP/pharmacy workload: Medication reviews, preparation of discharge prescriptions, and ensuring safe medicines reconciliation are already time intensive processes. A sudden rise in volume risks creating bottlenecks, with potential safety implications and knock on delays across the wider service.
- From a psychological perspective, shorter sentences and quicker progression through the system reduce the likelihood that individuals will be able to access psychological therapies. As a result, they may miss the opportunity to receive support for underlying psychological difficulties that may have contributed to their offending behaviour. They also lose the chance to develop adaptive coping skills that could help them manage life in the community more effectively and in healthier ways.
- However, spending more time in the community and less time in custody may ultimately have a more positive impact on an individual's overall mental health.
- Concern from the staff group was that without some additional recurring resource or transitional planning, the proposed change could compromise their ability to maintain safe and sustainable healthcare delivery within the establishment.
- Shorter sentences and urgent, sudden, releases have a significant impact on not only what psychology interventions can be carried out, but also on any medication issues; establishing on psychotropic medication and cross titration, as this can often take a number of months. It will also exacerbate current issues with establishing follow up care by community services.
- A final point raised was that the temporary nature of some funding for prison healthcare staffing meant that there were already ongoing challenges meeting current demand in a sustainable way.

Feedback from Justice social Work Services was in line with the Social Work Scotland response; with some additional comments:

- Custody is disruptive to the individual as well as the services they are involved with including health, housing, benefits as well as their family and wider relationships. Reducing sentences even further puts pressure on services to reestablish their support to the individuals within a short time period.

- It also fails to mention the Judiciaries contribution to the issues – despite the PASS, bail and EM being in place there is low uptake nationally. The early releases places additionality on social work and partners without the matching of resource/finance to support it. Albeit the numbers are not exceptionally high.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Some expressed a view that the current scheme was too lenient given trauma from domestic abuse and sexual assault does not end halfway through a sentence. This gap between the early release scheme timeline and the ongoing nature of victim recovery can feel like abandonment. Even though the proposed or stated exclusion from earlier release is intended to protect those victims as argued, the current halfway release rule can make many people feel vulnerable, abandoned, and unprotected. As such there was widespread support for excluding domestic abuse and sexual offences from the proposed scheme.

Question 6: Do you have any other comments

Given the timeframe for responding, the above comments are provided as a range of views from professional staff groups working within the current system and do not represent a single view being put forward by the Falkirk Health and Social Care Partnership.

Response from Inverclyde Council

This consultation response is being provided by Inverclyde Council and its statutory Justice Social Work function as well as its hosted Community Justice Partnership and Violence Against Women Multi Agency Partnership.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

While we understand and appreciate the imminent need to relieve pressure on the prison system we are unclear that evidence from previous early release exercises supports a position that changing the release point to 30% would be an effective means to address this. We would suggest that the unintended consequences of such a policy change may be significant, not least, the significant disruption to people's lives for what will- in reality be- exceptionally short periods in custody. We would also suggest that such policy changes be considered in terms of the principles of PASS. We also recognise that this should the Scottish Government accept the recommendations of the recently published 'Justice that works' report by the Scottish Sentencing and Penal Policy Commission around extending PASS and as such this will have implications should the 30% threshold be introduced.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

We support the necessity of such exclusions in respect of public protection and support to victims but would note that evidence does not support any necessity for individuals convicted of such charges serving longer custodial terms in respect of risk management or recidivism. This response is supported by the Inverclyde Violence Against Women Multi Agency Partnership who were consulted on this question.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

We support a position that secure accommodation should be used only when necessary and for the shortest time possible. In principle we would be supportive of any measures that facilitate a reduction in the use of secure care and increase opportunities for children to be safely supported in their communities. That said, we would strongly assert that communities are in no way resourced or equipped to safely and effectively support this at this point. We would highlight that, given the principles noted around the use of secure accommodation, that this should only be being utilised as an option for the most complex and high risk young people suggesting that the alternative community resource required would be significant.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

We appreciate that there are limited available and effective options available to courts to address such matters however given those convicted of such offences rarely pose a significant risk to the public we see no reason why such offences would be excluded.

Question 5: What are your views on the proposed transitional approach to initial releases?

Without detail on the proposed transitional approach it is difficult to comment however we would be generally supportive of any planned, transitional approaches to implementation.

Question 6: Do you have any other comments?

We would again highlight the absolute need for community services to be properly funded in order to support any sustained, effective reduction in the prison population. Alongside statutory justice social work services, this includes consideration of third sector partners and properly funded and resourced housing for individuals leaving prison. We note that the recently published 'Justice that works' report by the Scottish Sentencing and Penal Policy Commission discusses many of the issues we have raised and the broader discussion around release from prison, and will consider further responses when the opportunities arise.

**Response from NHS Dumfries and Galloway
Julie White, Chief Executive**

Although there maybe issues with reference to releasing prisoners early these do not impact upon the provision of healthcare in Prison from an NHS Dumfries and Galloway perspective. There are logistical issues such as arranging appointments, referrals, prescriptions etc a little bit earlier than we do at present - this will not cause issues within the healthcare team at HMP Dumfries. We are not experiencing the levels of overcrowding as seen at other prisons due to the fact we are a national facility for long term protection prisoners that don't fall within the remit of the early release scheme and we have a small area with remand / short term prisoners.

Response from NHS Greater Glasgow & Clyde Prison Healthcare

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

NHSGGC considers that such a change will increase the workload on our medical services based in the three prisons in the Board territory (HMP Barlinnie, HMP Lowmoss, HMP Greenock) as they are responsible reviewing all prisoners prior to release in respect of clinically safe liberation. NHS Practitioner Services tasked with realigning prisoners to their GP may also note a challenge in 30% increase in liberations.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Nil response.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Not applicable to our services.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

NHSGGC would always support safe and appropriate alternatives to custodial sentences, reducing the pressure on the prison population.

Question 5: What are your views on the proposed transitional approach to initial releases?

NHSGGC would support a transitional approach in order to assess and respond to any emerging impact on its Prison healthcare provision.

Question 6: Do you have any other comments?

NHSGGC would note that its Prison Healthcare service is approaching 2 to 3 sessions per week to manage the workload under the current arrangements.

Response from NHS Highland / Highland Health & Social Care Partnership

NHS Highland / Highland Health & Social Care Partnership response is based upon, and reflects its statutory to delivery of healthcare to people in prison custody, and provision of health and social care upon release.

Question 1: What are your views on changing the release point for certain short term prisoners to 30%?

From a healthcare perspective, earlier release to 30% presents both opportunities and risks. A shorter custodial period can reduce the negative health impacts associated with imprisonment and may support better recovery, stabilisation and reintegration if adequately planned. Many individuals in custody have high levels of unmet health needs; reducing time in custody may minimise disruption to treatment and community supports. However, a shorter sentence significantly reduces the time available for healthcare assessment, treatment initiation and release planning. To avoid compromising continuity of care, sufficient notice, strengthened multi agency coordination and robust transitional arrangements must be in place. With these safeguards, earlier release can be supported safely. Adult Social Work services support the health care perspective. There may be a risk of some therapeutic interventions being incomplete that cannot be replicated in a community setting but sufficient notice should assist in the management of planning for completing programmes.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

The health board supports this exclusion. Individuals convicted of domestic abuse or sexual offences typically require longer, more structured intervention programmes and more intensive clinical and psychological risk assessment. Maintaining their release point at 50% ensures adequate time for engagement in treatment, stabilisation of mental health and the development of safe release plans aligned with public protection requirements. This exclusion is therefore clinically and ethically appropriate.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Children in secure care have complex and often multi agency needs. While earlier release can support improved outcomes, it must not come at the expense of adequate planning. Reducing the time available for assessment and preparation increases the risk of gaps in mental health intervention, neurodevelopmental support and safeguarding pathways. The health board supports equivalent changes only where planning capacity is assured and where health, social care, social work, education and justice partners can complete high quality reintegration planning within a shorter timeframe.

Question 4: What are your views on the changes applying to short term prisoners serving sentences for fine defaults and contempt of court?

The health board supports equivalent changes for this cohort. Individuals imprisoned for fine default or contempt typically serve very short periods, during which

meaningful healthcare engagement is difficult. Earlier release reduces unnecessary disruption to prescribing, mental health care and community supports. With proportionate release planning and clear arrangements for continuity of care, this change would likely improve overall health outcomes.

Question 5: What are your views on the proposed transitional approach to initial releases?

A phased transitional approach is essential to ensuring safety and service continuity. Sudden increases in release volumes could overwhelm community mental health services, primary care, addiction treatment and third sector supports. Phased implementation allows prison healthcare teams to complete clinical handovers, medication continuity arrangements and referrals systematically. The health board strongly supports a managed roll out with clear communication and predictable notice periods.

Question 6: Do you have any other comments?

Early release must be accompanied by strong multi agency planning and adequate capacity within community services. Individuals leaving custody face significantly elevated risks—including drug related death, suicide, relapse, homelessness and mental health crisis. Ensuring continuity of medication, access to primary care, addiction treatment and psychological support is vital.

**Response from NHS Lanarkshire
Claire Rae, Chief Officer North Lanarkshire HSCP**

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

It would potentially have an impact for the delivery of Locality Addiction service resources depending on volume and location. This would need to be monitored over a period of time to measure the true impact.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

The service position is that we would agree with the proposal that this cohort complete the recommendation of 50%.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Question 3 is not applicable as we are an adult service.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

This would possibly need some mapping as it would depend on the offence and impact of that offence.

Question 5: What are your views on the proposed transitional approach to initial releases?

There are varied views on this due to the impact on resources available to monitor and support this effectively within a community setting.

Question 6: Do you have any other comments

There is currently a steering group chaired by Justice in Lanarkshire which reviews the early release of prisoners following notification of prisoner early release as Tranche's become known. As the proposal is to release more prisoners early, I would suggest that the group be established on a more permanent basis. This would allow those involved to consider particular service users/patients being discharged earlier and allow more time for networking and support. The detail of when and who is discussed would have to be considered but it would give some reassurance to particular prisoners with greater needs/risks. This approach seems to be working for the current early release prisoners, but no review has taken place in regard to the strengths of this approach.

Response from NOVA Scotland

About NOVA Scotland

NOVA Scotland, delivered by the Forces Employment Charity, provides trauma-informed, person-centred support to veterans who are at risk of, or already in contact with, the criminal justice system. Our work focuses on addressing underlying factors associated with offending behaviour and supporting rehabilitation and reintegration into the community. Veterans often present unique, and complex, needs and merit a unique and empathetic framework of support to help them avoid reoffending.

In a custodial context, NOVA Scotland supports veterans through identification, transition planning and "through the gate" support, working with the Scottish Prison Service (SPS), criminal justice social work and community-based partners. Our evidence-led, whole-pathway approach contributes to improved outcomes and reduced reoffending through stabilisation in areas such as accommodation, mental health and wellbeing, relationships and employability.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

A key concern is the absence of robust evidence on the impact of the existing early release framework, combined with the longstanding lack of consistent data on veterans within the criminal justice system. These evidence gaps intersect. Without systematic identification of veterans in custody, it is not possible to assess how changes to release points affect this cohort or whether current arrangements support rehabilitation and reintegration.

Operational experience indicates that a proportion of veterans do not disclose their veteran status. Earlier release points risk further reducing opportunities to identify

veterans, undertake meaningful assessment, and put in place trauma-informed, person-centred support prior to release. This has implications for access to stable and suitable accommodation and to interventions addressing trauma-related needs, including PTSD.

The Scottish Veterans' Commissioner's report *Veterans and the Law* highlights the need for earlier identification, improved information-sharing and stronger collaboration across justice partners. These recommendations are directly relevant to the proposed changes, as they rely on sufficient time and coordination for interventions and plans to be effective.

Question 5: What are your views on the proposed transitional approach to initial releases?

Many veterans, like the wider prison population, report feeling unprepared for release. Effective transition planning, access to in-prison support and coordinated throughcare are therefore critical to supporting rehabilitation and public safety.

NOVA Scotland is concerned that accelerated release may constrain the ability of SPS and partners to identify veterans, complete transition planning and connect individuals with community-based support in a timely way. This risks placing additional pressure on already stretched community justice and third sector services and may undermine rehabilitation outcomes.

Question 6: Do you have any other comments?

Any change to release points should be accompanied by strengthened mechanisms for veteran identification, improved data collection and clear, coordinated pathways between custody and community services. Evidence on community-based interventions for veterans, including *Journeys to Harmful Behaviour* (Probation Institute),¹⁵ reinforce the importance of early engagement, structured transition planning and continuity of trauma-informed support.

NOVA Scotland would welcome continued engagement on how veterans' needs can be consistently identified and met within any revised early release framework.

Response from Perth and Kinross Council

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

Given Perth and Kinross has two prison sites within its area, we are aware of the disproportionately high prison population across the country, placing significant strain on rehabilitation efforts, prison safety, and the wider justice system. Despite measures intended to reduce the use of custody, such as the *Presumption Against Short-Term Sentences*, *Bail with Electronic Monitoring*, and recent *Early Release Schemes*, progress in certain areas has been limited.

¹⁵ [Journeys to Harmful Behaviour — Probation Institute](#)

Against this backdrop, automatically releasing certain short term prisoners after 30% of their sentence seems a pragmatic step. However, there is also a risk of unintended consequences where courts, seeking to retain what they consider an appropriate period of custody, may respond by imposing longer sentences. The disruption caused by even a brief custodial period, e.g. loss of housing, employment, and relationships can have a long-lasting impact that undermines rehabilitation efforts.

Experience of previous Early Release Schemes must inform the new approach, particularly the role of the Governor's veto on decisions. This has been crucial in preventing the release of individuals who, despite meeting the eligibility criteria, pose a clear risk to themselves or others. Retaining these safeguards will be essential to ensuring credibility and protecting individuals and communities.

To make early release effective and sustainable, wider reforms must also be considered and moving beyond the current 'presumption' against sentences of 12 months or less. This includes expanding community based alternatives to custody and adopting a more holistic approach to Bail with Electronic Monitoring which includes community supervision and support. These measures require legislative review and investment in community-based resources in shifting from short custodial sentences towards community interventions to reduce reoffending.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Given the significant physical and psychological harm associated with domestic abuse and sexual offences, excluding individuals convicted of these crimes from automatic early release, is both necessary and proportionate.

It also reflects the ambitions set out in the Vision for Justice, which recognises that custody should be reserved for those who pose the greatest risk of harm and re-offending. For these individuals, remaining in custody provides a critical opportunity to address entrenched patterns of offending behaviour within a structured and supported environment. This ensures sufficient time for risk and needs assessment, intervention, and management planning which is essential for and individuals' rehabilitation and public safety.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

Perth and Kinross welcome the direction set within the Care and Justice (Scotland) Act 2024. The Act strengthens the role of the Children's Hearing System in applying formal measures and ensures that, where the seriousness of an offence requires prosecution, custody must be served within secure care rather than prison. However, children in secure care frequently experience significant challenges during this transition which can have a lasting impact on their social and emotional wellbeing. Aligning their release at the proposed 30% point would support earlier, planned reintegration and help mitigate the harms associated with prolonged periods of restriction.

Introducing equivalent changes for children is fair and equitable as it would be potentially discriminatory if they did not to receive the same consideration as adults. As care experienced young people already have a formal plan in place, they require sufficient time and continuity of support to ensure their safe and effective resettlement back into the community.

Children also enter secure accommodation through a range of legal routes, with the majority not being placed there by the courts. For those individuals, a robust transition plan consistent with the Secure Care Pathway and Standards must be central to a plan for early release, ensuring their needs are met and risks managed accordingly.

While these proposals represent progress, in Perth and Kinross, we continue to believe that a fully UNCRC compliant approach requires all young people subject to formal measures are dealt with through the Children's Hearing System and not prosecuted in the Sheriff Court. Where the possibility of custody is being considered, decisions must be informed by the Chief Social Work Officer to address their needs, risks, and any viable alternatives.

Question 4: What are your views on the changes applying to short-term prisoners serving a sentence for fine defaults and contempt of court?

Perth and Kinross believe the changes should extend to this group including individuals receiving a short term custodial sentence for non compliance with community based alternatives. Breaches now represent a significant and growing proportion of the prison population, highlighting the need for a more proportionate and effective response.

Applying early release to these individuals would support a more coherent justice strategy which prioritises rehabilitation and minimises the unnecessary use of custody. At the same time, this shift strengthens the case for reviewing current approaches for engagement and enforcement within community sentences. This would ensure that requirements are realistic, meaningful, and supportive while reducing the cycle of non compliance and repeated short term imprisonment.

Question 5: What are your views on the proposed transitional approach to initial releases?

Implementing the new approach only after the current Early Release Scheme concludes in April 2026 is pragmatic. It ensures a level of continuity while not losing momentum across all justice agencies in delivering the existing scheme with time to prepare for the move to release at the 30% stage of a sentence.

The Early Release Scheme overall has operated well locally with its success underpinned by strong collaboration, robust information sharing, and a consistent assessment and planning processes. These strengths will be built upon as they offer a solid foundation which can be directly transferred to support the transition to the new arrangements.

The measured and phased approach should help minimise disruption, maintain public confidence, and allow services to adapt operationally and strategically to the new requirements.

Question 6: Do you have any other comments

The Penal Policy and Sentencing Commission report has just been published, and it would have been helpful to have considered their recommendations alongside these proposals for early release and implications across the wider justice system. While this does not detract from the current pressures which exist for the prison system and negative impact for individuals on a short-term sentence, consideration also needs to be given to the impact and resource implications for local authority justice services and partner agencies who are critical in supporting rehabilitation and reintegration. This requires effective and shared use of data analysis for forward planning and meaningful performance management for strengthened co-ordination, collaboration and partnership working across the justice sector.

**Response from Police Scotland
Bex Smith, Deputy Chief Constable**

Thank you for your letter dated the 3 December 2025 in relation to the proposed change to the automatic early release of certain short-term prisoners and for the opportunity to respond and provide feedback.

Police Scotland recognises the significant challenges associated with the increasing prison population in Scotland and recognises that any changes to the criteria for the early release of prisoners is a matter for the Scottish Government and the Scottish Parliament.

However, it is important to highlight that the earlier release of prisoners has already created additional and immediate demands on policing, wider criminal justice partners and public services. This increased demand on policing relates to risk management, safeguarding, managing community impact and responding to reoffending. This is at a time when policing is facing a range of increasing demands and complex emerging threats, whilst officer numbers are fewer than in previous years.

This increased demand extends to other public services including, health, housing, and justice social work with many people who are released from prison requiring support and intervention.

It is important to recognise there needs to be effective intervention and support services available for prisoners being released to support their integration back into the community and to assist in addressing the causes of their offending behaviour.

If other public services and stakeholders cannot provide this support, through funding and resource challenges then it becomes difficult in many cases to break the cycle of re-offending.

Given the vulnerabilities associated with many child offenders and the complex causes of their offending behaviour, it is of particular importance that support services are readily available for children who are being released.

I also think it is important to consider whether evidence exists that the early release of prisoners contributes to sustainable reduction in the prison population. I have yet to see the data and trend analysis which shows these measures will have a short and long-term impact on this chronic issue.

I note your points about public and victim safety, and we must also include public and victim confidence in policing and the wider justice system.

Police Scotland remains committed to engaging with and supporting partners in addressing the prison population in Scotland. Whilst we will continue to robustly tackle serious criminality and apprehend those that present the greatest threat to the communities of Scotland, we are also committed to ensuring a proportionate approach and already support a wide range of alternatives to prosecution.

Response from the Risk Management Authority

The Risk Management Authority (RMA) is a non-departmental public body with a range of statutory responsibilities in relation to the assessment and management of persons who present a risk of harm to the public.¹⁶ These responsibilities include the preparation and publication of guidelines and standards¹⁷ to which all persons with functions in relation to the assessment and mitigation of risk have a duty to have regard.¹⁸ We also provide the Scottish Ministers with advice in relation to matters pertinent to our statutory remit.¹⁹ Our response to this call for evidence, therefore, emphasises the need to ensure that decisions about the use of custody and its alternatives are supported by defensible, proportionate, evidence-based assessment and management of risk.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

The RMA welcomes the opportunity to provide views on the proposed changes to the automatic release point for eligible short-term sentenced individuals.

We appreciate the emergency nature of the proposals, and remaining cognisant of the short consultation reply timescales, the RMA have sought to keep our response as concise as possible, whilst including the most relevant details for consideration, in line with the RMA's statutory responsibilities.

With this in mind, we would direct Scottish Government (SG) Officials to previous RMA replies to recent consultations. This includes, but is not limited to: The Bail and

¹⁶ [Criminal Justice \(Scotland\) Act 2003](#) s.3(1)

¹⁷ [Criminal Justice \(Scotland\) Act 2003](#) s.5(1)

¹⁸ [Criminal Justice \(Scotland\) Act 2003](#) s.5(2)

¹⁹ [Criminal Justice \(Scotland\) Act 2003](#) s.4(a)(iv)

Release from Custody (Scotland) Act 2023,²⁰ the Long-Term Prisoner Release Process Consultation in 2024,²¹ the RMA response to the Criminal Justice Committee on Automatic Early Release in 2024,²² the Parole Reform Consultation in 2025,²³ and our reply provided to the sentencing and penal policy commission call for views during 2025.

The RMA maintain a key role in multiple priority justice workstreams, including the Criminal Justice Board (CJB), Community Justice Programme Board (CJPB) and Emergency Early Release (EER) meetings.

In citing previous RMA responses to similar consultations, including the data, research and evidence therein, and by highlighting our key role in multiple justice related workstreams, we seek to ensure SG officials have the relevant information available to support their policy decision making, within the timescales provided.

The RMA agrees that there is a significant need to reduce the prison population and remains committed to engaging with priority work to support this aim.

In line with its statutory functions, the RMA advocates that any proposals and measures surrounding the point of automatic early release should adopt an approach in accordance with the values, principles and standards outlined in Framework for Risk Assessment, Management & Evaluation (FRAME).²⁴ Linked to this, the RMA advises a proportionate and evidence-based approach to risk assessment and management planning to support preparations for release and to shape throughcare service provision, in line with an individual's identified needs.

The RMA is clear, that bringing forward the point of automatic early release of people serving short-term prison sentences in isolation will not resolve the prison population, and we have concerns about the selection of any period calculated principally by reference to time in custody. The RMA has maintained its position on the safe and sustained reduction in the prison population, providing evidence and data, which highlights that this can only be achieved by reducing the number of individuals we send to prison to serve a custodial sentence, and by improving our use of managed release into the community, where an individual is assessed as suitable.

We must, as is highlighted by the Scottish Government, the Cabinet Secretary, and the Vision for Justice in Scotland, reserve prison only for those who pose the most risk and to ensure we protect the public. This includes decision making processes about who we send to prison, and policy decisions on who we release from prison, and how that release decision is reached.

²⁰ [Response 684246997 to Bail and release from custody arrangements in Scotland - Scottish Government consultations - Citizen Space](#)

²¹ [Response 169889946 to Long-term prisoner release process: consultation - Scottish Government consultations - Citizen Space](#)

²² [Risk Management Authority](#)

²³ [Response 936258351 to Voices in Justice: Parole Reform in Scotland - Scottish Government consultations - Citizen Space](#)

²⁴ [FRAME: building a framework for risk management](#)

This approach requires cross justice partnership working to ensure there is consistency in sentencing decisions, sentence management, release decision making, and release planning.

As highlighted, the RMA are a key partner in wider priority justice work, including but not limited to Home Detention Curfew (HDC), First Grant of Temporary Release (FGTR), Emergency Early Release (EER), and the Level of Service/Case Management Inventory (LS/CMI)²⁵ method and system operations. Risk profile analysis from these workstreams has highlighted the potential for other options which could help support a reduction in the short-term sentenced prison population, including the feasibility of community disposals. These options would likely not require further changes to the automatic release point, or the enablement of emergency release powers.

The RMA have presented proposals to SG, CJB and CJPB and would welcome involvement in further related work in taking forward the recommendations from the Sentencing and Penal Policy Commission report.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

The RMA would not support the use of offence-based exclusions as the only mechanism to remove any individual from consideration for any recognised release process in use within the Scottish justice system. The use of such exclusions must remain evidence-based and should be considered as part of the entire person-centred risk assessment and risk management planning process.

The RMA fully acknowledge the lasting impact that crimes can have on their victims, and we would seek to have victim safety planning considerations central to the overarching decision-making processes in place within our justice system. With this in mind, it is important for the specific offences to be considered in the wider context of risk assessment, with a structured analysis of the pattern, nature and seriousness of a person's offending along with a consideration of factors which may be associated with likelihood of reoffending, and the individual needs which may require support during a period of supervision or intervention.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

The RMA do not hold any statutory responsibility for children detained in secure accommodation. Therefore, we would not seek to provide a response at this time.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

²⁵ The Level of Service/ Case Management Inventory (the LS/CMI) is a general offending assessment and management planning method used by all community and prison-based Justice Social Work services in Scotland. It helps assessors explore the pattern, nature and seriousness of a person's offending along with a consideration of factors which may be associated with reoffending and range of non-offending issues, which may need to be addressed during a period of supervision or intervention.

As highlighted in question 1 above, the RMA advocates that any proposals and measures surrounding the point of automatic early release should adopt an approach in accordance with the values, principles and standards outlined in FRAME. Linked to this, the RMA advises a proportionate and evidence-based approach to risk assessment and management planning to help support preparations for release and to help shape the provision of throughcare services in the community, in line with an individual's identified needs.

Given individuals serving sentences for fine defaults and contempt of court may have been assessed as suitable for community disposal at the point of sentencing, it would seem a reasonable step to include such cases in the proposed measures. However, care would be required to be taken with regards to any relevant risk assessment outcomes in each case. This would ensure that where specific risks or needs have been identified via assessment, they can be taken into account, and where applicable, addressed during an individual's sentence and form part of pre-release planning processes.

Question 5: What are your views on the proposed transitional approach to initial releases?

The RMA would support a delivery method which prioritises human rights, collective wellbeing, trauma-informed practice, reduces resource impact across justice partners, and enables appropriate support to be arranged (including support being available for all parties – the individual released, children & families, and victims). The transitional approach therefore seems to be a proportionate option in this instance.

Question 6: Do you have any other comments?

The RMA remain actively involved in wider justice priority work, including prison population management work. The RMA will continue to support efforts to safely reduce the prison population, to shift the balance between the use of custody and community, and to ensure that prison is reserved only for those who pose the most risk and to protect the public.

The RMA remain keen to ensure that any further changes to sentence structures, automatic release points, and future considerations of any new release mechanisms (or expanding any current release mechanisms), maintain a focus on the use of evidence-based risk assessment and risk management principles, with public protection at the heart of decision making, rather than being related to time served or index offence.

Response from the Scottish Sentencing Council

The Scottish Sentencing Council notes the Scottish Government's intention to legislate to change the point of release for short-term prisoners.

As the Council has indicated in previous statements on measures intended to address the prison population, the Council's remit does not extend to penal policy and as such it offers no comment on the merits or otherwise of the proposals, or on

the basis on which they are made. The legislative arrangements for release are matters for the Scottish Ministers and the Scottish Parliament. As the Council has indicated previously, the selection of an appropriate custodial sentence does not generally take into account the actual, likely or potential release dates from custody. Were courts to do so this could defeat the purpose of legislation around prisoner release and might undermine consistency in sentencing, should the legislative arrangements change again.

The Council reiterates the comments it has made previously in response to proposals intended to address the prison population. As before, these are made with the interaction between sentencing and release policy in mind, to the extent that these are connected, and in the spirit of the pursuit of its statutory objectives.

The Council understands that the Government's intention is to ensure a sustainable approach to reform in this area. It further notes that the Sentencing and Penal Policy Commission has now issued its final report. The Council is considering the detail of that report and will be interested to learn of the Government's response to it.

Research commissioned by the Council has found that release arrangements overall, and the reasons for releasing prisoners before the end of their sentence, are frequently opaque to members of the public, as well as to those affected by offending behaviour.²⁶

Per the Council's previously stated position, the need to provide timely, accurate and appropriate information to the public generally, and to those involved in criminal proceedings specifically, remains vital.

Response from Social Work Scotland

Sharon Stirrat, Justice Social Work Policy and Practice Lead

Social Work Scotland is the professional body for social work leaders, working closely with our partners to shape policy and practice, and improve the quality and experience for those involved in the criminal justice system, who require a social work service. As an organisation and across our members we are committed to service improvement and ongoing development, based on evidence and research on how we can best meet the needs of those we work with and particularly those who experience the greatest challenges and barriers to their wellbeing and lives.

²⁶ See for example: [Public attitudes to sentences following a guilty plea: findings from a mixed methods research project](#), Gormley, Roberts, Tata and Vega (March 2025) which found focus group participants' views were "commonly related to release provisions, which could be conflated with sentence discounts/reductions...Few participants knew about the operation of the release provisions in detail, but this was still an area that came up as a key concern." (p.19); [Public perceptions of sentencing in Scotland, Qualitative research exploring sexual offences](#), Biggs, Reid, Attygalle, Vosnaki, McPherson and Tata (July 2021) which found "Survivors of sexual offences also perceived that even when a perpetrator is given a prison sentence, they are released before the full sentence is served, due to prison overcrowding or insufficient resources, rather than as part of a controlled and supported release in the community which takes into account public safety" (p. 72); and Reid, Biggs, Attygalle, Vosnaki, McPherson and Tata [Public perceptions of sentencing in Scotland Qualitative research exploring causing death by driving offences](#) (September 2020) which found "There was limited knowledge about the reasons why offenders were released before the end of their sentence, an area where providing additional information to the public and specifically to members of the family of victims during the criminal justice process, could be considered." (p. 71)

Social Work Scotland represents social work leaders across Scotland. The profession is based on the principles of human rights, reflecting the value of all individuals and upholding their rights. This is expressed in the SSSC Codes of Practice and in the BASW code of ethics. These underline the inherent worth and dignity of all people, demonstrated in practice through relationships and promotion of self-determination, participation and wellbeing. However, there is a challenge in working with individuals in the criminal justice system, who are often a stigmatised group, hence the need to advocate on their behalf. Contributing to release planning and the parole process is a key element of our work in Justice Social Work (JSW).

Social Work Scotland welcomes the opportunity to respond to this consultation and the statement made by the Cabinet Secretary in parliament on 3 February 2026. This response is based on consultation and discussion with our membership which covers senior leaders in social work, including Chief Social Work Officers and senior members of our Justice Standing Committee.

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

We believe that Scotland has a disproportionately high prison population which makes rehabilitation in custody challenging, creates health and safety concerns within prisons and does not contribute towards reducing re-offending longer-term. We are also aware that measures applied to reduce the prison population such as the Presumption Against Short Term Sentences, Bail with Electronic Monitoring and the recent Early Release schemes have had limited effect.

We therefore believe that automatically releasing some short-term prisoners when they have served 30% of their sentence is a necessary pragmatic measure but we are concerned about a risk of unintended consequences. It seems possible, for instance, that to ensure offenders receive what Courts consider to be an appropriate period in custody, they will impose longer sentences. A 2-year sentence would result in a person serving only 7.2 months. It is unlikely that appropriate rehabilitation programmes will have been made available during this time. The disruption to individual's lives caused by a short prison sentence cannot be understated.

We also believe lessons can be applied from Early Release Schemes, including Governor veto decisions. This has proved helpful in ensuring that people who meet the eligibility criteria but may otherwise present a risk of harm to or from others or themselves are not necessarily released. It has helped to maintain the credibility of the system and the manageability of risks both within prisons and the community.

We also believe other measures need to be strengthened or newly developed, such as moving away from the 'presumption' against 12 months or less sentences, replacing short periods in custody with community-based alternatives and adopting a holistic approach towards Bail with EM by routinely ensuring it is accompanied by supervision. These measures could be implemented through similar legislative change and community-based resource.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Given the physical and/or psychological harm caused by these offences, we believe this is necessary, defensible, victim-centred and in the interests of justice. It also corresponds with the current Vision for Justice, which notes prisons should be used for people who present a risk of harm. There should be a greater opportunity to address the offending behaviour while in custody for this cohort.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

We believe that the Care and Justice (Scotland) Act 2024 has rightly emphasised that young people aged 16-17 years are fundamentally children; that Children's Hearings have extended powers to apply formal measures; and that where offences are so serious that they require prosecution in a Sheriff Court and custody is imposed, they must not be sentenced to prison and placed in secure care instead.

Article 37 of the UNCRC makes clear that depriving a child of their liberty must always be a measure of last resort and for the shortest appropriate time. In Scotland, children placed in secure accommodation often experience challenges at points of transition, including inconsistent or insufficient community supports. From both a children's rights and public protection perspective, aligning children in secure care with the proposed 30% release point would support earlier, planned reintegration and reduce the potential harms associated with prolonged periods of restriction.

Introducing equivalent changes for children is also important from an equality standpoint. If adults are to benefit from earlier release, it would be potentially discriminatory for sentenced children not to be afforded the same approach. As they are automatically care experienced, subject to formal planning/review processes and often present with complex needs, developments will need to ensure sufficient time is available to prepare for their supported resettlement into the community.

It is also important to note that children are placed in secure accommodation for a range of reasons and through a variety of legislative routes. The majority of children in secure care are not placed there by the courts. As such, any change to release timescales would apply only to children who are sentenced, which is a relatively small subset of the secure care population.

If equivalent changes are introduced, this should be accompanied by robust transition planning, as reflected in the Secure Care Pathway and Standards, to ensure that children's needs are met, that support is in place on return to the community, and that any risks are managed safely and proportionately.

These are welcome measures and represent an improvement on previous arrangements but we believe that it would be UNCRC compliant for young people requiring consideration of formal measures to always be dealt with in the Children's Hearing system and not prosecuted in the Sheriff Court. Where a Children's Hearing is considering custody, decisions must be informed by a Chief Social Work Officer approved assessment of needs, risks and alternatives.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

We believe the changes should apply to this group, as well as individuals sentenced to short-term prison sentences for previous non-compliance with community alternatives. As we understand that breaches constitute a reasonably high and growing proportion of the prison population, we also believe that methods of engagement and enforcement requirements with people subject to community sentences should be reviewed.

Question 5: What are your views on the proposed transitional approach to initial releases?

We believe that applying the approach only after the current Early Release Scheme has been finalised in April 2026 is sensible. It would allow partners to jointly continue to ensure that this scheme operates effectively, whilst also preparing for current prisoners to be released at the 30% stage of sentence. We believe the ERS has largely worked well and joint information sharing, assessment and planning could be usefully transferred to this approach.

Question 6: Do you have any other comments

We also look forward to the findings from the Commission on Penal Policy and Sentencing report due for publication on 6 February 2026. We believe that instead of introducing radical long-term measures or supposed panaceas, the emphasis ought to be on strengthening existing partnership governance arrangements, fully utilising all currently available interventions, tightening interventions, enhancing data analysis and improving performance management.

The implications of sentencing an individual to a short sentence, who will then be released following a brief period in custody needs to be considered. The loss of accommodation, employment and detrimental impact on relationships is likely to be long lasting and have an effect on successful rehabilitation.

It will be valuable to consider lessons learned from STP40, to assist with a smooth transition to STP30.

Response from South Lanarkshire Council/Health and Social Care Partnership

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

South Lanarkshire Council, informed by the advice of the South Lanarkshire Community Justice Partnership, recognises that addressing Scotland's unsustainably high prison population will require a range of complementary measures. Adjusting the automatic early release point for certain short-term prisoners to 30% represents one measure that may contribute to easing pressure on the prison estate in the short term. That said, the Council is clear that these

arrangements must remain exceptional and time-limited, and not become an established means of managing prison population pressures.

The Council considers it essential that any changes are clearly communicated and implemented as part of a public-protection-led approach that maintains public confidence in the justice system.

The Council also notes the Partnership's view that the most sustainable progress is likely to come from continuing to reduce the use of short-term sentences in the first instance, supported by increased use of effective community-based alternatives such as bail supervision and electronic monitoring, where appropriate. These approaches provide opportunities to support rehabilitation, reduce reoffending and strengthen longer-term community justice outcomes.

In relation to housing, the Council recognises that the impact of earlier release will vary depending on individual circumstances. For those with settled accommodation to return to, earlier release can support tenancy sustainment and help prevent rent arrears from accruing. For individuals who require accommodation on release, earlier release highlights the importance of ensuring that housing and support pathways are well aligned.

This is particularly relevant in the context of South Lanarkshire Council's declared housing emergency and the Scottish Government's declaration of a national housing emergency, both of which underline sustained and severe pressure on housing systems. Even with strong partnership arrangements in place through the Sustainable Housing on Release for Everyone (SHORE) standards and early housing options work, an earlier release point reinforces the need for continued collaboration and capacity-building to meet demand in a planned, safe and person-centred way.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

South Lanarkshire Council supports the exclusion of individuals serving sentences for domestic abuse and sexual offences from the proposed changes, recognising the central importance of public protection, victim safety and maintaining public confidence in justice outcomes.

At the same time, informed by the Community Justice Partnership, the Council highlights the potential value of continuing to develop tailored, evidence-based approaches that support desistance while maintaining robust safeguards. Where appropriate and subject to thorough risk assessment, there may be opportunities to strengthen individualised planning linked to enhanced community-based monitoring and structured engagement with accredited programmes, such as the Caledonian System or Moving Forward: Making Changes.

The Council considers that similar proportionate, risk-informed principles can support the effective management of individuals convicted of violent offences where serious harm or public protection risks have been identified, ensuring responses remain focused on safety, rehabilitation and the long-term reduction of reoffending.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

South Lanarkshire Council considers that equivalent changes should apply to children detained in secure accommodation, ensuring consistency and fairness between children sentenced to secure care and adults sentenced to short-term imprisonment.

Reflecting the advice of the Community Justice Partnership, the Council emphasises the importance of expanding robust, trauma-informed community-based alternatives that reduce reliance on secure care and custody wherever possible. Secure care and short-term imprisonment should be used proportionately and only where necessary to manage a significant risk of serious harm.

The Council highlights the importance of strong, coordinated planning across children's services, youth justice and education to support earlier release. Ensuring appropriate accommodation and support - particularly for young people aged 16 and over - will be essential to promoting stability, wellbeing, public protection and positive long-term outcomes, in line with GIRFEC principles.

Question 4: What are your views on the changes applying to short-term prisoners serving sentences for fine defaults and contempt of court?

South Lanarkshire Council considers that custody should be used proportionately and primarily where there is clear evidence of a risk of serious harm to the public. The Council notes the Community Justice Partnership's view that community-based responses often provide more effective opportunities to address the underlying issues associated with fine default and contempt of court, while supporting compliance and public confidence.

Applying the proposed changes to this group may offer benefits by reducing time spent in custody and supporting earlier reintegration into the community. For individuals with stable accommodation, earlier release can help maintain housing, employment and family links.

For those who require accommodation on release, earlier release reinforces the importance of early engagement, SHORE-aligned planning and close coordination between justice, housing and support services. Continued alignment of resources and capacity across the system will support timely access to suitable accommodation and minimise reliance on emergency options.

Question 5: What are your views on the proposed transitional approach to initial releases?

South Lanarkshire Council recognises the significant pressures currently facing the Scottish Prison Service and acknowledges that, in the short term, transitional and time-limited measures may be required to manage an unsustainable prison population safely and lawfully. In this context, the Council considers that the

proposed transitional approach is a pragmatic and proportionate operational response that can support a managed reduction in prison numbers.

The Council also considers that how these measures are communicated publicly is critical. Clear, consistent messaging from Government that explains the safeguards in place, the temporary nature of the arrangements and the wider system context is essential to maintaining public confidence. Public anxiety about early release should be acknowledged and addressed transparently, particularly given the cumulative use of exceptional measures in recent years.

The Council welcomes the opportunity this phased approach provides to plan effectively across local services and partnerships. Commencing the new arrangements only after the conclusion of the current emergency early release programme, and introducing changes gradually, will help ensure service stability and support effective coordination across housing, justice social work and partner organisations.

The Council is clear that these arrangements must remain exceptional and time-limited, and not become an established practice in place of sustainable, whole-system reform.

Question 6: Do you have any other comments?

In line with the advice of the Community Justice Partnership and COSLA's consistent position, South Lanarkshire Council emphasises the importance of pairing short-term operational measures with a clear, funded and deliverable medium- to long-term strategy. This should focus on reducing reliance on short-term sentences, expanding effective community-based alternatives, strengthening throughcare and post-release support, and fully embedding the SHORE standards.

Ensuring that local authorities and partners are appropriately resourced across the justice, housing, health and social care system is critical, recognising that early release arrangements - and public confidence in them - depend on the effective functioning of multiple public services beyond the prison estate.

Response from Upside

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

Since 2024, the justice system has relied on successive release-point interventions to manage prison population pressure, including STP40 and two separate Emergency Early Release processes. STP40 was intended to deliver a sustained reduction in the prison population, while Emergency Early Release measures were introduced to provide short-term relief in response to acute capacity pressures. In practice, population pressures have re-emerged following each intervention, necessitating further action.

Upside recognises the severe and sustained pressure on Scotland's prison system. However, STP30, like its predecessors, affects only the timing of release without

addressing the factors that shape how many people are sentenced to custody in the first place. Without consistent community alternatives to custody across all areas and adequate support available across sectors, courts are unlikely to reduce their use of prison sentences. Where confidence in community options is limited, custody continues to be used more frequently than necessary, meaning that people continue to enter prison at a rate that changes to release points cannot offset.

Accelerated release processes increase the importance of effective preparation, coordination and system capacity at the point of liberation, none of which is consistently available through current mechanisms.

During the current Emergency Early Release process, Upside recorded a more than 30% increase in lost contact post-liberation among people released through EER, compared with baseline levels for people supported by Upside outside emergency release processes. Loss of contact removes the system's ability to identify risk, coordinate advocacy across agencies or intervene early, and is a known precursor to crisis, disengagement and return to custody.

STP30 also does not address the sustained pressure created by high levels of remand. While release-point changes do not apply to this group, successive early-release processes nonetheless have significant indirect effects on people on remand. Repeated emergency and accelerated release activity disrupts regime stability, increases movement within establishments, and diverts staff and system capacity toward managing compressed release processes. Where this occurs, Upside's ability to build meaningful, trust-based relationships with people on remand is significantly reduced, despite having a remit to support this population. Without that engagement, people on remand are more likely to leave custody without support in place. Leaving prison unsupported increases the risk of immediate instability in the community, including housing insecurity and disengagement from services, which in turn heightens the likelihood of reoffending.

People with lived experience of custody and release consistently describe the point of liberation as a break in continuity rather than a managed transition, with unclear handovers and fragmented responsibility across services. Evidence from Upside Voices highlights that effective, relationship-based advocacy is not an added benefit but a necessary requirement for navigating housing, health, benefits and justice processes at this point.

Policies such as STP30, alongside repeated emergency early-release processes, shorten preparation time and normalise an emergency mode of delivery. This makes it significantly more difficult for Upside to dedicate sufficient time to building and sustaining the trust-based relationships on which effective advocacy depends. As attention and capacity are diverted toward managing ongoing release activity at pace, advocacy is weakened and responsibility for coordinating complex systems is increasingly placed back onto the individual at the point of greatest vulnerability.

Sustained operation in this mode also places significant strain on the workforce, contributing to staff burnout, reduced retention and diminished service capacity. At the same time, accelerated release without adequate preparation displaces risk and

demand into other parts of the system including housing, mental health, health and social care services and families.

Multi-agency planning meetings alone are insufficient to mitigate risk. While such meetings have been used during Emergency Early Release, they are not backed by sufficient resource, statutory footing or system capacity to secure stability at scale. In addition, the preparation timescales associated with early release are often too compressed to enable effective, tangible solutions to be put in place. Coordination without authority, time or capacity cannot deliver continuity or stability at the point of release.

Housing is a critical and immediate constraint. Scotland is currently experiencing a national housing emergency, with 13 local authority areas formally declaring emergencies. Where people leave custody into unsuitable temporary accommodation, or no accommodation at all, instability increases sharply. Although homelessness prevention duties are being developed, they are not yet operating at scale for people leaving custody, and there is currently no statutory requirement on the prison system to prevent homelessness at the point of release. Responsibility for housing outcomes therefore remains fragmented, with limited leverage to act early or decisively. Introducing STP30 ahead of these frameworks means that predictable homelessness is not an unintended consequence, but a structural feature of the release process.

To date, release-point interventions have largely been assessed on their short-term impact on prison population levels, with limited evaluation of wider system impacts or the risks transferred beyond the prison estate. Evidence from STP40 and successive Emergency Early Release processes indicates that release-point adjustments, when introduced without accompanying structural reform, have not delivered sustained reductions in the prison population. Implemented under the same conditions, STP30 is likely to repeat this pattern, providing short-term relief while leaving the underlying drivers of overcrowding and churn un-addressed.

Without urgent action to strengthen community alternatives to custody, reduce unnecessary remand, accelerate the implementation of existing reforms, and align statutory duties with the realities of accelerated release, this policy will, at best, provide temporary relief to the prison system whilst pushing pressures on to community services. More critically, repeated reliance on emergency population-management measures risks absorbing system capacity into continual crisis response, reducing the time, focus and organisational space required to deliver the structural reforms needed to reduce reliance on custody.

For Upside, this dynamic also undermines the purpose for which the service was established. Capacity is diverted from planned, relationship-based throughcare into managing the consequences of emergency release, including tracing and re-engaging people released at pace. This creates circumstances in which some people receive a poorer quality of support due to reduced preparation and continuity, while others are unable to access the service at all because capacity has been consumed responding to emergency processes.

Question 5: What are your views on the proposed transitional approach to initial releases?

Upside recognises that a phased or tranche-based approach to initial releases is necessary to avoid overwhelming already stretched services. Releasing all eligible people simultaneously would be unmanageable and would significantly increase risk across the system. Although Emergency Early Release is due to conclude before STP30 releases begin, in practice planning and delivery activity will overlap, drawing on the same staff, systems and local services and leaving little or no meaningful period of recovery between the two processes.

Experience from STP40 and successive Emergency Early Release processes shows that phasing does not resolve the main risks associated with accelerated release. While staggering releases can moderate immediate volume, it does not address the shortened preparation timescales, constrained housing availability or limited statutory engagement that shape outcomes at the point of liberation. In a system that is already operating beyond sustainable capacity, these risks can only be mitigated to a limited extent, even where releases are phased.

From a practical delivery perspective, the location of liberation is also critical. During the first tranche of the most recent Emergency Early Release process, of the people supported by Upside who were returning to addresses in the North of Scotland, the majority were liberated from establishments in the central belt. This placed significant additional strain on staff capacity and often meant people arrived back in their home areas too late to access housing, support or statutory services on the day of release.

Liberation away from a person's local area undermines release planning, continuity of support and access to accommodation, particularly where preparation timescales are already compressed. In these circumstances, even well-coordinated planning is less effective, and the likelihood that people leave custody without meaningful support in place increases.

Transitional arrangements also extend the period during which services are required to operate in an emergency delivery mode, further diverting capacity from planned release work and system reform. For services such as Upside, phased implementation prolongs the diversion of capacity from relationship-based throughcare into reactive release management, limiting the scope to improve preparation and continuity even over a longer rollout.

Consideration should be given to whether people will be added to eligibility throughout the transitional delivery and how this will be managed, as new additions can be extremely challenging for support services to respond to. Minimum standards should be agreed in collaboration with delivery partners to allow for appropriate planning, including risk management and addressing critical needs.

Upside considers a transitional approach necessary to manage immediate volume, but even with commitments to local liberation and improved preparation, the scope to reduce risk is inherently limited in a system that is already operating beyond sustainable capacity. Transitional arrangements may reduce the peak impact of

initial releases, but they do not address the underlying constraints that drive instability at liberation.

Response from Victim Support Scotland

Question 1: What are your views on changing the release point for certain short-term prisoners to 30%?

As Scotland's national charity supporting victims and witnesses of crime, we are extremely concerned at the proposed changes to the release point for certain short-term prisoners from 40% to 30%.

Whilst we acknowledge the challenge of overcrowding in Scotland's prisons, we have seen in recent reports that these repeated early release schemes have failed to achieve a meaningful and sustained reduction in Scotland's prison population - which brings into question why this same strategy continues to be pursued.

The Cabinet Secretary for Justice and Home Affairs stated that prison numbers remain stubbornly high at 8,301.

- In February 2025 (the month in which the Prisoners (Early Release) (Scotland) Act 2025 came into force), Scotland's prison population sat at 8,350.²⁷
- When looking at population numbers from across 2025, there was a slight reduction in numbers, however, by October 2025 Scotland's prison
- population hit an all-time high of 8,430.
- There are currently eight jails at 'red risk status' with 15 others being close to their over-capacity tolerance.

Additionally, we raise concerns that the Scottish Government is moving ahead with early release schemes without the necessary reforms for victims being implemented first. It is important to highlight the pace at which new legislation regarding automatic short term prisoner early release, as well as emergency early release, has been implemented. This is in stark comparison with the slow pace of reform benefitting victims.

Victims of crime and their families express anger and incredulity upon learning that the perpetrator in their case may be released early. These proposals will only serve to exacerbate these feelings.

We fear it will also further erode the trust and confidence in the criminal justice system, potentially fostering a feeling of 'what is the point?' amongst victims and their families.

Although the criteria for early release only applies to short term sentences, the impact of crime on victims, families and the wider community cannot be understated for any type of crime or subsequent sentence.

²⁷ [Data, Research and Evidence | Scottish Prison Service](#)

This will be particularly true for crimes such as culpable homicide, which can and have, carried sentences of 4 years or less. Whilst all crime types have the potential to be traumatising for victims and families, we wish to highlight this example as one that will be particularly difficult and traumatising.

Reducing the time in prison reduces the amount of time a perpetrator has to access and complete rehabilitation – something the Scottish Government states is needed to reduce reoffending.

[Redacted]

Previous Early Release Scheme Data

The reoffending rates from the release of prisoners during COVID was reported as 40%. We are concerned this will be replicated following these new proposals, leading to an increase in victims and/or re-victimisation.

Examples:

- Following the first emergency early release in 2024, 57 out of the 477 (12%) prisoners released in June and July had been returned to custody by 18 September. 60% of this group re-entered prison within just 20 days of their emergency release. This highlights the need to completely re-think emergency release proposals. It also emphasises the need for adequate preparation, rehabilitation, and access to support services on release.
- The available figures for the first group of prisoners released under the Prisoners (Early Release) (Scotland) Act 2025 in February and March 2025 show that 17 of the 311 released were returned to custody prior to their 'original' Earliest Date of Liberation (EDL).

As the Government continues with early release schemes, there must be more comparable reporting, clear data, and analysis of the impact of early release schemes, which includes reoffending rates. We would like to see:

- Comparisons between recidivism rates for prisoners who have been released early and the current baseline of recidivism rates
- Percentage of released prisoners returned to custody beyond their EDL
- Impact of release measures on individuals and communities
- Proportion of victims informed about the release of the prisoner in their case including consideration of people who are signed up to the Victim Notification Scheme, and significantly to include numbers and proportions of victims who are not.

There must also be more clarity provided to allow people to distinguish between early release due to changes to automatic release points changing and the Emergency Early Release Scheme. Currently, VSS feels that there is not a clear enough distinction between the two. This can cause added confusion and distress for victims who may think that an offender is being released under emergency early release when they are not, or vice versa.

Victim Support Scotland participates in weekly meetings regarding emergency early release. At these meetings, VSOs are encouraged to promote sign up to the VNS, which we willingly do. However, it is unclear whether this makes a positive impact, as proportionally and numerically victims being contacted about the release of the prisoner in their case remains low – generally around the 2% mark and less than 10 victims per tranche.

If VSOs are being asked to encourage sign up to the Victim Notification Scheme, it must be acknowledged that the independent review of the VNS was published in May 2023, nearly three years ago. Some changes, albeit not yet implemented, are included in the Victims, Witnesses, and Justice Reform Act 2025, yet there is a further consultation on the horizon this year. VSS argues that VNS reform is critical in informing victims, and priority has been given to reforms which benefit the prison estate only.

Question 2: What are your views on excluding those serving sentences for domestic abuse and sexual offences?

Victim Support Scotland stresses that the exclusion of prisoners serving sentences for domestic abuse and sexual offences remains essential. Through our services we know that women are at risk of further abuse, and sometimes death, when offenders are released.

[Redacted]

We also seek assurances that prisoners with a Non-Harassment Order against them, or offences that are often linked to domestic abuse or sexual offences (such as stalking), continue to be ineligible for early release.

Question 3: What are your views on making equivalent changes for children detained in secure accommodation?

To Victim Support Scotland's knowledge, this is the first time equivalent changes have been proposed for children in secure accommodation. We note SSI/277 in relation to YOIs,²⁸ but, until now, there have been no indications that these changes would be applied to secure accommodation.

Given that the primary driver for changes to automatic early release and emergency early release is to ease overcrowding in prisons, VSS questions the rationale behind this proposal. VSS is not aware of overcrowding in secure accommodation, or any evidence to support this move. The lack of a clear rationale for this measure would further erode public confidence in the system, if it were to go ahead.

Detention of a child in secure accommodation is for the purpose and benefit of correcting behaviour and deviation from further offending. Therefore, can assurances be provided interventions provided through secure accommodation can be fully

²⁸ [The Prisons and Young Offenders Institutions \(Scotland\) Amendment Rules 2025](#)

implemented and create positive outcomes for child perpetrators, if the detention is reduced due to 'overcrowding.'

It must be noted that victims' rights in respect of many parts of the criminal justice system differ greatly when the perpetrator is a child compared to when there is an adult perpetrator. We make this point particularly in relation to what victims can and cannot do and what information they are entitled to. However, the impact on a victim and their family remains the same, no matter the age of the perpetrator.

Open communication is therefore critical to a victims' experience of early release – this is essential in the context of secure accommodation (relating to this question) and the young offender and adult criminal justice/prison system more widely. Given that the provision of information sharing differs significantly depending on the whether the perpetrator is a child, young person or an adult, it is essential that victims in such cases can and do access all they are entitled to.

VSS is currently developing a model to address the information needs of victims in cases where there is a child perpetrator. This is due to changes brought in through the Children (Care and Justice) Act 2024, which changed legislation in relation to 16- and 17-year-olds who commit offences.

Question 4: What are your views on the changes applying to short-term prisoners serving sentence for fine defaults and contempt of court?

Victim Support Scotland questions why these two offences have been specifically highlighted. The measures proposed are based on a straight-line approach to time served in prison. These crime types are not excluded from the scheme.

We seek clarity on how these two offences would differ from a prisoner serving less than four years for any other offence – fine defaults and contempt of court are not victimless crimes.

However, it may be that this eligibility could be assessed based on the severity of the crime and the level of fine.

To clarify, VSS does not support the release of prisoners serving sentences for these crime types who are on bail or connected to any of the excluded crime types.

Question 5: What are your views on the proposed transitional approach to initial releases?

Victim Support Scotland feels that the transitional approach to initial releases is sensible.

It makes sense to delay the release of prisoners who will be immediately eligible for early release at 30% of sentence served, until after the final tranche of emergency early release concludes. Phased, transitional release is an appropriate and proportionate approach.

Releasing everyone eligible in one group would put undue pressure on support services, including victim support organisations.

Question 6: Do you have any other comments?

A holistic approach

Victim Support Scotland highlights that the topic of early release, and the issues raised by it, do not exist separately to other areas within the justice system. The issues we raise later in the answer to this question are inextricably linked and should therefore be considered and analysed in conjunction with one another to build the fullest of pictures and produce detailed and accurate responses.

Taking a compartmentalised approach to overcrowding in prisons and early release, separate to these other issues risks missing critical aspects that will negatively impact all involved.

From a victim's perspective, any change to the criminal justice system and processes must be looked at in conjunction with one another. Recently, reform plans have included:

- The passage of the Victims, Witnesses and Justice Reform (Scotland) Act 2025
- The passage of the Criminal Justice Modernisation and Abusive Domestic Behaviour Reviews (Scotland) Act 2025
- Voices in Justice: Parole Reform in Scotland Consultation
- The future of secure care and the single point of contact (SPOC) for victims in the Children's Hearings System Consultation
- Undertaking domestic homicide and suicide reviews: draft statutory guidance consultation
- The Report by the Sentencing and Penal Policy Commission
- Victim Notification Scheme Reform

Many of the reforms outlined above have had, or will have had, extensive timelines and still require a significant volume of SSIs to enact the changes. This is in contrast with the expedited nature of early release schemes has created a sense of de-prioritisation of victims.

Automatic Early Release alongside Emergency Early Release

Although automatic early release and emergency prison release are being looked at separately, it is very challenging for victims of crime to see these as separate schemes. Additionally and confusingly, the Governor's veto applies to one scheme but not the other.

VNS Reform

Victim Support Scotland has consistently advocated for the swift implementation of the reforms to the Victim Notification Scheme outlined in the 2023 Independent

Review. These reforms are essential in ensuring that victims and their families have access to the information they require to feel safe and informed

Victim Support Scotland cautions that victims continue to be at risk of not being informed about a prisoner's release eligibility, parole eligibility, or offered support, if they are not currently signed up to the Victim Notification Scheme.

Current uptake of the VNS remains low and whilst we appreciate that victims who are signed up are contacted through the details available, it remains that the majority of victims who are eligible to be signed up are not informed. Therefore, the changes recommended for the Victim Notification Scheme made over three years ago are critical.

Annex A: List of respondents

1. Aberdeenshire Justice Social Work
2. Care Inspectorate
3. Children and Young People's Centre for Justice
4. CJVSF
5. Community Justice Scotland
6. COSLA
7. Dumfries and Galloway Community Justice Partnership
8. East Lothian Council
9. Edinburgh Health and Social Care Partnership / City of Edinburgh Council's Adult and Young People's Justice Services
10. Falkirk Health and Social Care Partnership
11. Inverclyde Council
12. Moray Council/Health and Social Care Moray
13. NHS Dumfries and Galloway
14. NHS Greater Glasgow and Clyde
15. NHS Highland / Highland Health & Social Care Partnership
16. NHS Lanarkshire
17. North Ayrshire Health and Social Care Partnership
18. NOVA Scotland
19. Pan-Lanarkshire MARAC Coordinators
20. Perth and Kinross Council
21. Police Scotland
22. Risk Management Authority
23. Scottish Sentencing Council
24. Social Work Scotland
25. South Lanarkshire Council/Health and Social Care Partnership
26. Upside
27. Victim Support Scotland
28. West Lothian Council



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