

# **Island Communities Impact Assessment for the Prisoners (Early Release) (Scotland) Bill**

**November 2024**

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## **Introduction**

This document records the decision not to undertake a full Island Communities Impact Assessment (“ICIA”) in respect of Prisoners (Early Release) (Scotland) Bill (“the Bill”). It also summarises the information and evidence that has been considered, along with the rationale for this decision.

Further information about the background and the policy intention of the Bill is set out in the Policy Memorandum. Estimated costs are set out in the Bill’s Financial Memorandum.

## **Policy objectives**

The Prisoners (Early Release) (Scotland) Bill (“the Bill”) will change the point of release from prison for most people serving short-term sentences of less than four years. Currently most people serving short-term sentences are released unconditionally after serving half (50%) of their sentence in either prison custody (including Youth Offender Institutes) or secure accommodation. This Bill will change the point of release to following two fifths (40%) of the sentence being served. The change to release point will apply to adults in prison custody as well as to children who have been sentenced to a period in secure accommodation of under four years.

The aim of bringing forward the point of release for most short-term prisoners is to achieve both an immediate and sustained reduction in the prison population as part of a range of actions designed to ensure the prison service functions effectively, can accommodate those who pose the greatest risk of harm, and can support rehabilitation, in order to reduce reoffending and protect victims and public safety.

It is not anticipated that this Bill will have a differing outcome in the islands.

## **Who will the Bill affect?**

### **Key stakeholders**

Community Justice Scotland (CJS)  
Convention of Scottish Local Authorities (COSLA)  
Scottish Prison Service (SPS)  
Social Work Scotland (SWS)  
Crown Office and Procurator Fiscal Service (COPFS)  
Victim Support Organisations (VSOs)  
Scottish Courts and Tribunals Service (SCTS)  
Police Scotland

### **Information relating to island communities**

At [the last census \(2011\)](#), a total of 93 islands in Scotland were inhabited, with a total population of 103,700 (2% of the total population of Scotland). Data from the 2022 census began to be released in late 2023 but, at the time of writing, no data was available for individual Scottish islands or areas defined by the Scottish Island Regions (2023) geography.

However, data already released from the census shows that, in 2022, the population of Scotland was estimated to be 5,436,600. Population breakdowns for local authority areas have also been released, meaning we can assess population change in island-only local authority areas. In these three local authority areas Na h-Eileanan Siar and Shetland saw a population decreases since 2011 (down 5.5% and 1.2% respectively) while the population of Orkney has grown by 3% over the same period.

According to the [national statistics on recorded Crime in Scotland between 2022-23](#), the crime rate of the islands is generally very low. In 2022/3 there were 228, 278 and 308 crimes per 10,000 people from Orkney, Shetland and Na h-Eileanan Siar local authorities respectively (compared to the 528 crimes per 10,000 people across Scotland on average). Highland local authority and Argyll and Bute local authority, which cover a number of island communities as well as communities on the mainland, also have crime rates that are below the Scottish average (424 crimes per 10,000 people for the former and 370 crimes per 10,000 for the latter).

North Ayrshire, which includes the islands of Arran and the Cumbraes, has a crime rate closer to the average across Scotland (511 per 10,000 people). None of the island local authorities have a prison situated on them. As with all local authorities in Scotland, they have justice social work services. A broad range of partners contribute to the achievement of community justice outcomes, including statutory partners as defined in the Community Justice (Scotland) Act 2016,<sup>1</sup> communities, and the third sector. Community Justice Scotland also holds a statutory duty to support and monitor the performance of each local authority area in the achievement of community justice outcomes.

There is no definitive mapping available which sets out all local and national projects that provide services within island communities. The Shetland Community Justice Plan highlights the support that is available to those released from custody, much of which is supported by volunteers.<sup>2</sup> In addition, there are several national organisations which work across the whole of Scotland to provide support on release from prison custody.

## Consultation and engagement

A wide range of published material on prison populations was sourced to understand the demographic makeup and known incidence of specific protected characteristics of those within the prison population; the impacts of being involved with the justice system as an accused, person who is sentenced to detention or as a child or close relative of someone in prison custody; and as victims of crime. We referred to

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<sup>1</sup> [Community Justice \(Scotland\) Act 2016 \(legislation.gov.uk\)](#)

<sup>2</sup> [cj-plan-final.pdf \(safershetland.com\)](#)

Scottish Government research, responses to public consultations and publications from the third sector and academia.

Given the urgent requirement to take action to reduce the prison population, a consultation has not been held specifically on bringing forward the point of release for short-term prisoners.

A consultation was launched on 8 July 2024 and closed on 19 August 2024 seeking views on proposals to bring forward the release point for some long-term prisoners, which was considered by the Scottish Government to be a feasible and proportionate way to reduce pressure on the prison estate. A total of 161 responses were received from a range of organisations and individual respondents. In addition to the public consultation, two virtual workshops were held for stakeholders. Through this engagement a range of views and experiences were expressed relating to prisoner release and the justice system in general, much of which is relevant context to this Bill.

Key stakeholders and partners have also been involved in the development of this Bill in terms of who is eligible for an earlier release point and planning for implementation, as well as to understand the potential impact of the change. Discussions have taken place with the stakeholders listed above, at varying levels of detail, to inform development of the Bill and raise awareness of the changes.

The overall feedback we have received from system partners has supported the view that there is a need to reduce the prison population to a sustainable level in order to protect the safety and rights of prison staff and prisoners in their care, and in order to allow for the provision of rehabilitative practices in custody and in the community that support a reduction in reoffending.

VSOs have raised concerns around the impact of the earlier release of prisoners generally on victims, however have welcomed exclusions for domestic abuse and sexual offences.

Officials will continue to engage with a wide range of stakeholders including those representing the needs and rights of victims to understand what additional information or support may be beneficial throughout the legislative process and implementation.

## **Findings in relation to impacts on island communities**

The crime rate on the islands is much lower when compared to Scotland as a whole, which combined with the relatively low population of the islands, means that there may not be the range of community justice services (particularly specialist services) as readily available to those communities as they are for larger local authority areas.

Individuals may have to travel further in order to access particular community justice services, including those which provide throughcare support.

However this challenge is not unique to island communities and can also be an issue in rural areas on the mainland.

## **Assessment**

Given the relatively low crime rate and population on the islands, we do not anticipate a differential impact of the Bill on the island communities in Scotland.

## **Sign-off**

In preparing the ICIA, we have formed an opinion that our Bill is not likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities).

The reason for this is detailed in the assessment section above.

**ICIA approved by:** Alex Doig, Deputy Director, Community Justice Division

**Date approved:** 12.11.24



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