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Short-term prisoner release: call for views

CYCJ Response

Collaborating for rights-respecting justice
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Overview

The Children and Young People's Centre for Justice (CYCJ) welcomes the opportunity to respond to the Scottish Government's call for views on the short-term release of some prisoners; this includes the release of some under-18s in secure care on justice grounds.

Summary of CYCJ position

Our response to this consultation is drawn from our practice, participation, research and policy expertise and evidence. We recognise the impacts of current levels of overcrowding and understand the rationale behind proposals to change the release point to 30% for certain short-term prisoners. However, whilst prisoner numbers need to come down significantly, this can not be achieved through reliance on emergency responses alone, and instead we are calling for greater structural reform, centred on prevention and reducing harm.

Consultation response

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

The Children and Young People's Centre for Justice (CYCJ) recognises the impacts of current levels of overcrowding and understands the rationale behind proposals to change the release point to 30% for certain short term prisoners. Prison numbers need to come down and this proposal could help alleviate some of the current strain. However, it is crucial to stress that greater structural reform, not reliance on emergency responses, is needed to reduce the prison population to a more sustainable level and, crucially, to prevent offending and reduce harm.

As noted in the Scottish Sentencing and Penal Policy Commission 2026 report, Justice That Works, Scotland in recent years has consistently had one of the highest prison populations in Western Europe and is currently running at its highest ever levels (SSPPC 2026). This is having a significant impact across the board, including on staff safety and the inability to deliver meaningful support and rehabilitation programmes for prisoners (SSPPC 2026). Longer-term structural reform is needed, which priorities rehabilitation and reducing offending, centred on early intervention and prevention, and community-based responses.

This is particularly the case for children and young people, which evidence shows have a greater ability to move desist from future offending (SSC 2022). Clear steps

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could and should be taken, such as extending the Whole Systems Approach to 26 year olds, and ending the current inequity of access to Home Detention Curfews for under 18s (CYCJ 2025), as outlined in our response to question 3.

Research has identified that these are overwhelmingly children from disadvantaged backgrounds, many of whom have suffered adverse childhood experiences (SCRA, 2022). Evidence has also shown the significantly detrimental impact on children and young people, both in the immediate and long-term, of being detained, from re-traumatisation to curtailing life opportunities and increasing chances of reoffending (McAra & McVie, 2022). We at the Children and Young People Centre for Justice (CYCJ) believe this can and should be changed, and that creating a more rights-respecting, trauma-informed approach will support all children and young people who come into contact with the care and justice systems, including victims, and will create safer communities.

We welcome in particular the inclusion of some children currently in secure care as part of these release plans, to ensure there is no difference between under 18s and adults. However, as noted in more detail in response to question 3, concerns remain over the inequity of the situation facing children and the possible impacts of this decision on future sentencing outcomes.

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

We understand the impact of these offences on victims and the Government's rationale for excluding them. It is clear that greater support is needed for rehabilitation and to reduce reoffending, and this is the case for all types of offences, including domestic abuse and sexual offences.

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

Whilst we question the necessity of reliance on emergency measures, as noted above, we do welcome the inclusion of children within this. There is a wealth of evidence on the greater ability of younger people to move away from reoffending (SSC 2022).

However, this proposal does raise the current inequity around the use of Home Detention Curfews (HDCs). At present a child serving a period of detention within secure care is excluded from community release under an HDC. Yet adults in prison and young people in young offender's institutions (YOI) are both eligible and if an

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individual was transferred to a YOI from secure care upon turning 18, they would immediately become eligible for an HDC. This situation appears to run counter to Article 37 of the UNCRC by depriving certain children of their liberty for longer than is strictly necessary (CYCJ 2025).

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

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

6. Do you have any other comments?

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References

Children and Young People Centre for Justice (2025). [Ending the overcriminalisation of children and young people](#)

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Scottish Sentencing and Penal Policy Commission (2026). [Justice That Works: Report of the Scottish Sentencing and Penal Policy Commission](#). Scottish Government

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