



**Policy name: Restrictions on Prisoner Voting Policy Framework**

**Issue Date:** 11 August 2020.

**Implementation Date:** 11 August 2020.

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs) which are hereby cancelled:** PSO 4650 Prisoners' Voting Rights

**Introduces amendments to the following documents:** N/A

**Action required by:**

<input type="checkbox"/>	HMPPS HQ	<input checked="" type="checkbox"/>	Governors
<input checked="" type="checkbox"/>	Public Sector Prisons	<input type="checkbox"/>	Heads of Group
<input checked="" type="checkbox"/>	Contracted Prisons	<input type="checkbox"/>	Contract Managers in Probation Trusts
<input type="checkbox"/>	National Probation Service	<input type="checkbox"/>	Community Rehabilitation Companies (CRCs)
<input type="checkbox"/>	HMPPS Rehabilitation Contract Services Team	<input type="checkbox"/>	HMPPS-run Immigration Removal Centres (IRCs)
<input type="checkbox"/>	Other providers of Probation and Community Services	<input type="checkbox"/>	Under 18 Young Offender Institutions

**Mandatory Actions:** All groups referenced above must adhere to the Requirements section of this Policy Framework, which contains all mandatory actions.

By the implementation date Governors<sup>1</sup> of Public Sector Prisons and Contracted Prisons must ensure that their local procedures achieve the required outcomes and comply with the requirements as set out in this Policy Framework.

**How will this Policy Framework be audited or monitored:** Mandatory elements of this framework must be subject to local management checks.

**Resource Impact:** The implementation of this framework should not result in any additional resource implications.

**Contact:** nlt@justice.gov.uk

**Deputy/Group Director sign-off:** Catriona Laing, Deputy Director, Diversity, Interventions and Operational Services.

**Approved by OPS for publication:** Michelle Jarman-Howe, Joint Chair, Operational Policy Sub-board, July 2020

---

<sup>1</sup> In this document the term Governor also applies to Directors of Contracted Prisons.

## **CONTENTS**

<b>Section</b>	<b>Title</b>	<b>Page</b>
1	Purpose	3
2	Outcomes	3
3	Requirements	3
4	Guidance	4
Annex A	Eligibility Criteria	6
Annex B	Guidance for Prisoners	7
Annex C	Guidance for Prisoners (Welsh language version)	8

## **1. Purpose**

- 1.1 The Government is clear that convicted prisoners detained in custody should not be able to vote. This framework replaces PSO 4650 and includes updated guidance in response to the long-standing *Hirst* judgment, where the Government has addressed an anomaly in the previous system, where prisoners released back in the community on licence using an electronic tag under the home detention curfew (HDC) scheme could vote, but those released in the community on temporary licence (ROTL) could not. Annex A provides updated voting eligibility criteria; under the new guidance, those on ROTL are no longer considered barred from voting.
- 1.2 This framework seeks to ensure that all prisoners who consider that they are (or may be) eligible<sup>2</sup> to apply to vote, or to vote (and wish to do so) are appropriately supported in doing so.

## **2. Outcomes**

- 2.1 All prisoners are made aware of their voting rights on arrival at prison. Official guidance (found at Annex B and C) must be available in reception for all prisoners. In the case of convicted prisoners, the loss of voting rights is made clear on the warrant of committal.
- 2.2 Prisoners who consider that they are (or may be) eligible to vote, can apply to register to vote, and to apply for absent voting once registered, with the support of prison staff and the governor where relevant.

## **3. Requirements**

- 3.1 This framework must be available for staff working with prisoners and in the prison library for use by prisoners who may wish to apply to register to vote, to apply for absent voting, or vote in an election.
- 3.2 All prisons must ensure that the official one-page guidance for prisoners on their voting rights (found at Annex B and C) is available at reception, and displayed in other appropriate locations e.g. work and residential areas, and that prisoners can access this guidance on request.
- 3.3 Where eligible prisoners wish to vote in elections, local processes must be in place to support them with applications to register to vote, help them find out whether they are registered, and provide contact information for Electoral Registration Officers (EROs).
- 3.4 A process for supporting registered eligible prisoners to apply for absent voting must be in place locally to provide the relevant forms and contact information for EROs.
- 3.5 Eligible prisoners with disabilities or language, reading, or writing difficulties must be assisted with applying to register to vote, and assisted with voting, if they request help.
- 3.6 Prisoners may vote during a period of temporary release that has been authorised for other purposes, although Governors must not authorise ROTL specifically for the purpose of voting or registering to vote as this is not a legitimate purpose to authorise temporary release under Prison Rule 9.

---

<sup>2</sup> See Annex A for details.  
Restrictions on Prisoner Voting  
Policy Framework

3.7 Ahead of general elections or referendums, prisons will be provided with information by HMPPS Headquarters which must be circulated so that prisoners are reminded of the restrictions on them voting.

#### **4. Guidance**

##### Applications to Register to Vote

- 4.1 Prisoners may already be registered to vote. If prisoners are unsure about their registration status, they are advised to contact their relevant ERO. Prison staff can find contact information for EROs on the intranet:  
<https://intranet.noms.gsi.gov.uk/support/offender-services/prisoner-voting>
- 4.2 If a prisoner is not already registered to vote, and considers that he or she is (or may be) eligible to vote, they may apply to register at any point by contacting their ERO. No convicted prisoner can register to vote when they are in prison, including those who anticipate being on HDC or ROTL at the time of an election. Prisoners on HDC or ROTL are only eligible to register to vote once they are in the community and become ineligible again upon any return to prison.
- 4.3 Some eligible prisoners may be able to register to vote at their home address. Others may be able to register by making a declaration of local connection (which is based on having a significant link to a particular locality).
- 4.4 Eligible prisoners may be able to register to vote giving the address of the prison establishment in which they are held. This does not apply to prisoners on HDC and ROTL. It is also unlikely to be available to convicted but unsentenced prisoners, since such prisoners are either about to be sentenced - thereby losing their eligibility to vote - or released and therefore able to register at their home address.
- 4.5 Whether or not prisoners are able to register in these ways will be subject to the discretion of EROs. If a prisoner is unsure about which option to use when applying to register to vote, they should contact their ERO.
- 4.6 It remains the legal responsibility of each ERO to determine applications to register to vote, or to register for an absent vote individually, based on the facts of each case, and in accordance with the statutory eligibility criteria.

##### Exercising the Right to Vote

- 4.7 Prisoners who are registered to vote and have been released from their sentence on HDC or are in the community on ROTL will be able to vote in the same ways as any other eligible person in the community. This includes attending a polling station where it meets the conditions of their release or a postal or proxy vote registered to their home address.
- 4.8 Postal and proxy votes from prison, are not available to those on HDC or ROTL. All other eligible prisoners listed at Annex A may, if registered, apply to vote by post or by proxy from prison.

- 4.9 Staff should ensure relevant application forms for absent voting are available to prisoners if requested. These can be found on the intranet:  
<https://intranet.noms.gsi.gov.uk/support/offender-services/prisoner-voting>
- 4.10 In the limited circumstances in which prisoners are entitled to cast postal votes from prison, staff must respect the principle of the secret ballot. As set out in PSI 04/2016: *The Interception of Communications in Prisons and Security Measures*, correspondence between a prisoner and an ERO is handled under Confidential Access arrangements.
- 4.11 Prisoners should be allowed to have election literature and may, following an application to the governor, write to candidates' agents in the relevant constituency to request such literature.

**Eligibility Criteria**

The following prisoners are considered eligible to apply to register to vote:

- Un-convicted prisoners;
- Convicted but un-sentenced prisoners;
- Persons imprisoned for contempt of court and other prisoners classified under Prison Rule 7(3);
- Those serving a term of imprisonment in default of payment of a sum of money, adjudged to be paid on conviction;
- Prisoners that have been released from their sentence on home detention curfew (HDC); and,
- Prisoners in the community released on temporary licence (ROTL).



# What are my voting rights?

Convicted prisoners serving a custodial sentence are disqualified from voting while they are detained in custody. This has been made clear on the warrant of committal since July 2018. However, some people in prison may have the right to vote, in certain circumstances.

## You may be eligible to vote if:

- ✓ You are an unconvicted prisoner.
- ✓ You are a convicted but unsentenced prisoner.
- ✓ You are a civil prisoner.
- ✓ You are serving a default term for non-payment of a fine.
- ✓ You have been committed to prison for contempt of court.
- ✓ You are in the community on home detention curfew (HDC) or released on temporary licence (ROTL). \*

\*Prisoners on HDC and ROTL are only eligible to register to vote once they are in the community and become ineligible again upon return to prison.

If you wish to make an application to register to vote, or are unsure about whether or not you can vote, please speak to a member of staff and read the guidance within the *Restrictions on Prisoner Voting* policy framework.

Staff can print out voting registration forms from the staff intranet:  
<https://intranet.noms.gsi.gov.uk/support/offender-services/prisoner-voting>

Your eligibility to vote will still depend on whether you are on the electoral register. It remains the legal responsibility of your Electoral Registration Officer to determine applications to register to vote based on the facts of each case. This can be reviewed on an ongoing basis.



Gwasanaeth Carchardai  
a Phrawf EM

# Beth yw fy hawliau o ran pleidleisio?

Nid yw carcharorion a gafwyd yn euog sy'n cyflawni dedfryd o garchar yn gymwys i bleidleisio tra'u bod yn y ddalfa. Gwnaed hyn yn glir ar warant traddodi ers mis Gorffennaf 2018. Fodd bynnag, mae'n bosibl y bydd gan rai pobl sydd yn y carchar yr hawl i bleidleisio, o dan rai amgylchiadau.

## Gallwch fod yn gymwys i bleidleisio os:

- ✓ ydych yn garcharor heb ei gollfarnu.
- ✓ yn garcharor sydd wedi'i gollfarnu ond heb ei ddedfrydu.
- ✓ yn garcharor sifil.
- ✓ yn treulio cyfnod penodol yn y carchar am beidio â thalu dirwy.
- ✓ wedi eich traddodi i garchar am ddirmyg llys.
- ✓ yn y gymuned ar gyrrffyw cyfyngu i'r cartref (HDC) neu wedi eich rhyddhau ar drwydded dros dro (ROTL).\*

\* Nid yw carcharorion ar HDC a ROTL yn gymwys i gofrestru i bleidleisio ond pan fyddant yn y gymuned a byddant yn anghymwys eto ar ôl dychwelyd i'r carchar.

Os hoffech wneud cais i gofrestru i bleidleisio, neu os ydych yn ansicr a allwch bleidleisio ai peidio, siaradwch ag aelod o staff a darllenwch y canllawiau o fewn y *Cyfyngiadau ar y Fframwaith Polisi* ar bleidleisio gan garcharorion.

Gall staff argraffu ffurflenni cofrestru i bleidleisio oddi ar fewnrwyd y staff:  
<https://intranet.noms.gsi.gov.uk/support/offender-services/prisoner-voting>

Bydd eich gallu i bleidleisio yn dal i ddibynnu ar p'un a ydych ar y gofrestr etholiadol ai peidio. Cyfrifoldeb cyfreithiol eich swyddog cofrestru etholiadol yw penderfynu ar geisiadau i gofrestru i bleidleisio ar sail ffeithiau pob achos. Gellir adolygu hyn yn barhaus.