



**Policy name:** Civil Prisoners Policy Framework

**Reference:** N/A

**Issue Date:** 14 May 2026

**Implementation Date:** 14 May 2026

**Replaces the following documents (e.g. PSIs, PSOs, Custodial Service Specs)** PSO 4600 Unconvicted, Unsented and Civil Prisoners. The PSO will stay live for the Youth Estate.

**Introduces amendments to the following documents:** None

**Action required by:**

	HMPPS HQ	x	Governors
x	Public Sector Prisons		Heads of Group
x	Contracted Prisons		The Probation Service
	Under 18 Young Offender Institutions		Other providers of Probation and Community Services
	HMPPS Rehabilitation Contract Services Team		

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

**For Information:**

Governors must ensure that any new local policies that they develop because of this Policy Framework are compliant with relevant legislation, including the Public-Sector Equality Duty (Equality Act, 2010).

Section 4 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 3 of this Policy Framework. Whilst it will not be mandatory to follow what is set out in this guidance, clear reasons to depart from the guidance should be documented locally. Any questions concerning departure from the guidance can be sent to the contact details below.

In this document the term Governor also applies to Directors of Contracted Prisons.

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

**Resource Impact:** Resources needed to support civil prisoners will continue to be met by local budgets.

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

**Deputy/Group Director sign-off:** Yaser El-Borgi, Deputy Director

**Approved by OPS for publication:** Helen Judge, Chair, Operational Policy Sub-board, March 2026

## CONTENTS

<b>Section</b>	<b>Title</b>	<b>Page</b>
1	<b>Purpose</b>	4
2	<b>Outcomes</b>	4
3	<b>Requirements</b>	4
4	<b>Guidance</b>	5
<b>Annex A</b>	Prisoners who are to be treated as civil	6
<b>Annex B</b>	Rights of civil prisoners	7

## **1. Purpose**

- 1.1 This Framework sets out requirements and information to ensure the rights of civil prisoners, which differ to those of convicted and remand prisoners, are applied and that such prisoners are supported with consideration to their specific needs.
- 1.2 The Prison Rules confer rights on civil prisoners over the age of 21. The YOI Rules apply to children and young people accommodated in under-18 Young Offender Institutions or dual-designated prisons.
- 1.3 This Framework applies only to the adult estate (including dual-designated prisons) and replaces PSO 4600 Unconvicted, Unsented and Civil Prisoners. For the Youth Secure Estate, PSO 4600 remains in place.

## **2. Outcomes**

- Staff are aware of, and ensure compliance with, the particular rights and privileges of civil prisoners.
- Civil prisoners are aware of their particular rights and privileges.
- Staff ensure that civil prisoners are supported with the particular needs which arise from their status.

## **3. Requirements**

- 3.1 Annex A sets out where prisoners must be treated as civil.
- 3.2 Annex B sets out the additional rights and privileges which must be given to civil prisoners.
- 3.3 Requirements for civil prisoners are covered across a range of HMPPS policies and staff must refer to those policies for further information. For example, the Sentence Calculation Policy Framework must be referred to for information on the payment of fines for prisoners committed for a civil offence or in default of a fine, as well as information on which prisoners are eligible for early release.

### **Contempt of court**

- 3.4 An individual can be committed to prison for contempt for a number of reasons, including assault on an officer of the court, non-payment of a debt or fine, rescuing goods seized by the court or breach of an injunction.
- 3.5 Where a prisoner wishes to purge or appeal their contempt, or appeal their other civil offences (e.g. conviction under the Debtors Act 1869 or Attachment of Earnings Act 1971) staff must provide support in line with PSI 75/2011 Residential Services. If a court requests the production of the prisoner to purge their contempt, the prisoner must be produced at public expense.

#### **4.    Guidance**

##### *Support for civil prisoners*

- 4.1    Some civil prisoners will have needs which are similar in nature to those faced by remand prisoners. See the Remand Prisoners Policy Framework for more information.

## Civil prisoners

1. Prison Rule 7(3) sets out that those committed or attached for contempt of court, or failing to do or abstain from anything required to be done or left undone, will be treated as a separate class of prisoner.
2. Fine defaulters, who must be treated as civil prisoners, can be divided into the following categories:
  - (i) Those serving a 'default term' imposed for non-payment or arrears in the payment of the following, and including consecutive fine default warrants:
    - a fine.
    - costs covered in criminal proceedings.
    - compensation ordered in criminal proceedings.
    - confiscation orders imposed under the Drug Trafficking Offences Act 1986, the Drug Trafficking Act 1994 or the Proceeds of Crime Act 2002. **A prisoner can serve a lengthy sentence as a result of defaulting on a confiscation order where the sum is significant. The prisoner is still classed as a civil prisoner and must receive the appropriate rights and privileges.**
  - (ii) Forfeiture of recognizance, e.g. to keep the peace, be of good behaviour, or by a parent in respect of a child.
  - (iii) Those committed for various types of non-payment, including:
    - maintenance arrears.
    - legal services contribution orders.
    - civil debt.
    - council tax.

Civil prisoners

1. Prison Rule 7(3) sets out the particular rights of civil prisoners. They must be treated in the same way as convicted prisoners, except for the specific privileges they share with unconvicted prisoners. This means they must be allowed to:
  - a. Wear their own clothing, unless considered inappropriate or unsuitable, and have this sent in by family or friends – Prison Rule 23(1). See also Incentives Policy Framework.
  - b. Send as many letters as they wish, subject to practical limitations – Prison Rule 35(1). See PSI 49/2011 Prisoner Communication Services for further information.
  - c. Be attended by their own registered medical practitioner or dentist, at their own expense – Prison Rule 20(3).
  - d. Receive as many visits as they wish, within practical and reasonable limits – Prison Rule 35(1). Minimum requirements are set out in PSI 16/2011 Providing Visits and Services to Visitors.
  - e. Vote in elections (see Restrictions on Prisoner Voting Policy Framework).
2. Some of these requirements are not absolute. For example, the Prison Rules recognise that, while an unconvicted prisoner will be allowed to wear their own clothes, they can be required to wear E-list clothing where appropriate.