



Policy name: Remand 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) which are hereby cancelled: 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 5 of the Policy Framework contains guidance to implement the mandatory requirements set out in section 4 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 unconvicted prisoners will continue to be met by local budgets.

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1. Purpose

- 1.1 This Framework sets out requirements and information to ensure the rights of remand prisoners, which differ to those of other prisoners, are applied and that such prisoners are supported with consideration to their specific needs. This Framework covers both unconvicted and unsentenced prisoners and references to remand cover both types of prisoner.
- 1.2 The Prison Rules confer rights on remand 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. Evidence

- 2.1 People on remand account for one in five of the prison population. Between 2005 and 2020, the remand population averaged around 11,000. This then increased during the COVID-19 pandemic, to around 12,000 in 2020, and has since continued to trend upwards, reaching around 18,000 in June 2025. Most people on remand are awaiting conviction.¹
- 2.2 The early period of imprisonment is often characterised by feelings of uncertainty, distress, and anxiety.² Being on remand has been described as a 'pressure cooker' for some, with prolonged periods of time without conviction or sentencing leading to increased anxiety. Concerns have been raised in recent years regarding the length of time people are being held on remand because of court capacity.³ The number of people on remand remains at its highest in at least 50 years.
- 2.3 Prisoners on remand have four times the risk of suicide relative to their convicted peers,⁴ indicating what a critical period this is in which to provide support.⁵ In 2024, 34% of all self-inflicted deaths were of prisoners on remand (an increase from 30% in 2023). The rate of self-inflicted deaths for prisoners on remand (1.8 per 1,000 prisoners) was higher than the rate for sentenced prisoners (0.8 per 1,000 sentenced prisoners).

¹ Ministry of Justice (2025). Offender management statistics quarterly: January to March 2025.

² Zamble, E., & Porporino, F. (1990). Coping, Imprisonment and Rehabilitation: Some Data and their Implications. *Criminal Justice and Behavior*, 17(1), 53-70; Liebling, A. (1992). *Suicide in Prison*. Routledge; Crewe, B. (2025). *The depth of imprisonment revisited*. *Incarceration*, 6(1), 1–13; Taxhjelm, F. R., & Crewe, B. (2025). The depth of imprisonment and the dilution of self. *Punishment & Society*, 14624745251363610.

³ House of Commons written question 15423, 2 December 2024.

⁴ Zhong, S. Senior, M. Yu, R. Perry, A. Hawton, K. Shaw, J. & Fazel, S. (2021). Risk factors for suicide in prisons: a systematic review and meta-analysis. *Lancet Public Health*, 6, 164-174.

⁵ Suicide in Prison and Probation Settings – evidence summary

- 2.4 An international evidence review examining risk factors for self-harm in prison found no clear association between self-harm and remand status.⁶ However, previous research conducted in English and Welsh prisons has found this to be significant.⁷ In the 12 months to December 2024, for the overall prison estate, the rate of self-harm incidents for prisoners on remand (1,016 per 1,000 prisoners) was higher than the rate for sentenced prisoners (833 per 1,000 prisoners). In the male estate, the rate of self-harm was slightly higher among remand prisoners than among sentenced prisoners (665 incidents per 1,000 prisoners on remand and 654 incidents per 1,000 sentenced prisoners).⁸
- 2.5 In the women's estate, the rate of self-harm was also higher among remand prisoners than among sentenced prisoners (7,436 incidents per 1,000 prisoners on remand and 5,287 incidents per 1,000 sentenced prisoners).⁹

3. Outcomes

- Staff ensure that remand prisoners are supported with the particular needs which arise from their status, mindful of the additional uncertainty faced by remand prisoners as a result of not having a known date of release and their increased risk of violence, suicide and self-harm.
- Staff ensure that support provided particularly considers situations where remand prisoners are released immediately, as a result of being found not guilty, because of time served or because they do not receive a custodial sentence.
- Staff are aware of, and ensure compliance with, the rights and privileges of remand prisoners and such prisoners are aware of their rights and privileges.

4. Requirements

- 4.1 Annex A sets out where prisoners must be treated as unconvicted or unsentenced.
- 4.2 Annex B sets out the additional rights and privileges which must be given to such prisoners, including around accommodation.
- 4.3 Annex C provides information on custody time limits for unconvicted prisoners and the responsibilities of staff.
- 4.4 Requirements for remand prisoners are covered across a range of HMPPS policies and staff must refer to those policies for further information.

⁶ Favril, L., Yu, R., Hawton, K., & Fazel, S. (2020). Risk factors for self-harm in prison: a systematic review and meta-analysis. *The Lancet Psychiatry*, 7(8), 682-691.

⁷ Hawton, K., Linsell, L., Adeniji, T., Sariaslan, A., & Fazel, S. (2014). Self-harm in prisons in England and Wales: an epidemiological study of prevalence, risk factors, clustering, and subsequent suicide. *Lancet*, 383, 1147-54.

⁸ Ministry of Justice, Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2025; Assaults and Self-harm to December 2024

⁹ Ministry of Justice, Safety in Custody Statistics, England and Wales: Deaths in Prison Custody to March 2025; Assaults and Self-harm to December 2024

5 **Guidance**

Safety

- 5.1 As set out under 'Evidence', there are particular safety concerns for remand prisoners. The Prison Safety Policy Framework sets out the requirements for staff in identifying prisoners' risk of harm to self or others and managing and supporting those at risk. It is important for staff to be aware of upcoming events that may be significant for the prisoner, such as legal visits and court appearances, which may increase the level of risk and the need for support.

Arrival in prison custody

- 5.2 PSI 07/2015 Early Days in Custody sets out the need to identify and address the immediate needs of prisoners. This includes the need to stage induction, which will be particularly relevant for somebody in custody for the first time, and the need to prioritise immediate concerns before considering longer term needs.
- 5.3 Prisoners in custody for the first time can be particularly vulnerable to debt and exploitation. Vulnerability can be reduced by ensuring that prisoners are able to access their money quickly and consideration of initiatives such as reception packs including basic items such as PIN credit, vapes, coffee and snacks (see paras 5.22 to 5.25).
- 5.4 The needs of remand prisoners to maintain protective factors in the community, considering that their length of time in custody is uncertain, is important. The Resettlement section (paragraphs 5.11 – 5.25) describes the help available to prisoners and the elements which should be prioritised in the early days. As remand prisoners will not have a sentence plan and may be released with little notice, timely work to maintain their links in the community is especially important, and work to prepare support pre-sentencing where they are likely to be released immediately. The Reception Model of Operational Delivery (MOD) provides further guidance on induction in reception prisons and requirements and suggestions for prisoners with substance misuse issues.

Public Protection

- 5.5 Reception prisons have an important role in identifying initial public protection concerns and applying measures to protect the public. Reception prisons are responsible for the initial identification and screening process. See the Prison Public Protection Policy Framework and PSI 07/2015 Early Days in Custody.

Security Categorisation

- 5.6 The Security Categorisation Policy Framework outlines when prisoners on remand should be risk assessed to receive a security categorisation status.

Regime Planning

- 5.7 Where in place, in line with the Settlement Model – Initial Settlement, all prisoners entering custody (including those on remand) have the opportunity to develop a personalised regime plan (PRP) with their keyworker, enabling them to access regime activities that assist them in adjusting and settling safely into the prison environment, within 30 days of arriving. Having consistent keyworkers can help support prisoners entering custody. Using the This is Me tool can identify skills, strengths and needs and allow keyworkers to identify unmet needs early, address these needs to create the PRP.

5.8 The Regime Plan for reception prisons should consider the particular needs of remand prisoners, who mainly have a short stay in custody, by:

- Providing purposeful activity which is accessible to remand prisoners, such as short courses and interventions and wider enrichment activity so that they are not excluded from participating in the regime by requirements to have a minimum time left to serve
- Considering prioritising courses and interventions which recognise the uncertainty of their time in custody and focus on skills such as practical life skills, managing money and maintaining relationships which they can recognise as relevant and beneficial
- Considering how activities can support prisoners maintaining their links to the community, and family ties, and are accessible to a frequently changing population
- Identifying the proportion of prisoners in the population, and those individual prisoners who are likely to remain in custody for a long period before their Court case is resolved, and provide courses for them which enable them to undertake longer term roles such as orderlies, Listeners, peer reps, where appropriate and within risk assessment requirements. These prisoners may be waiting for a Crown Court trial or co-defendants' trial or may face extradition. Information about their Court cases can be found on Common Platform (recognising that access to Common Platform is on a strict, risk assessed basis). Further information about Court appearances is included at paragraph 5.26.

Support for remand prisoners

5.9 Governors may wish to identify staff with specific responsibility to support remand prisoners to ensure they are supported to settle in prison and that their needs, including their higher risk of violence, suicide and self-harm, are recognised and addressed. A remand support scheme provides more targeted, specific help and includes peer support. Important features of a support scheme for remand prisoners can include, but are not limited to:

- Availability in the induction wing when prisoners are most vulnerable and have concerns about resolving arrangements in the community
- Provide practical advice and solutions to address issues which are most of concern to remand prisoners including managing finances, their Court cases and contact with families and friends
- Understanding of the distinct additional needs of particular cohorts (see Remand Prisoner Cohorts section, below)
- Protection from debt and exploitation. See Prison Safety Policy Framework.
- Visibility and availability to all prisoners, irrespective of age, home location or offending
- Ease of access to the service, especially for those who are new to prison and may experience limited time out of cell.

5.10 Good quality key work is an important way of supporting remand prisoners by ensuring constructive staff-prisoner relationships. See the Manage the Custodial Sentence Policy Framework.

Resettlement Services

5.11 As remand prisoners have an uncertain length of stay, and many will leave the prison without notice, resettlement should begin in induction to focus on maintaining community links and readiness for release, whenever this may happen. As remand prisoners are not allocated a prison offender manager, the work of pre-release teams is crucial to ensure they receive an initial assessment within five days of the pre-release team receiving the

completed Basic Screening Custody Tool 1, and are referred to services they require. See the Resettlement and Pre-Release Policy Framework for requirements of pre-release teams. Particular considerations include:

- Accommodation

- 5.12 Support to preserve accommodation on reception is important to maintain community ties, reduce offending and reduce demand for HMPPS Community Accommodation Service (CAS) on release.
- 5.13 Commissioned Rehabilitative Services (CRS) accommodation services are available for unconvicted (including those who are acquitted) and convicted unsentenced prisoners, including urgent activity on reception to maintain accommodation as well as support to secure accommodation for release. Additionally, support should be provided to help terminate a tenancy if there is a likelihood that the individual will be on remand longer than housing related benefits are available.
- 5.14 In addition to accommodation, CRS women's services provide additional support with finance, benefit and debt, mentoring support services and maintaining relationships with families.
- 5.15 The route for making CRS referrals will vary from prison to prison but likely to be via pre-release teams or provider led referrals. For prisons with Strategic Housing Specialists, they will work to identify, develop and deliver a range of solutions that remove barriers to accommodation, including solutions to logistical barriers.

- Employment and Training

- 5.16 In reception prisons, there is often flexibility to offer Prison Employment Lead (PEL) and ID and Banking Administrator (IDBA) resource to remand prisoners, to help prisoners retain their employment in the community or continue their course of study with support. Attendance at employment events is useful to provide them with information about career pathways on release and they can complete short qualifications such as manual handling or health and safety which are applicable in a wide range of employment.
- 5.17 ID and Banking Administrators, who are based in all resettlement prisons, can support eligible remand prisoners to apply for right to work ID where there is a resettlement need for this. It is important to note that sentenced prisoners will continue to be prioritised for this provision and support to obtain right to work ID will be dependent on the IDBAs capacity and decided at local level.
- 5.18 The Regime Planning section of this framework (see paragraph 5.7) describes activities which are appropriate for remand prisoners including those who have been identified as likely to spend a long time on remand waiting for the outcome of their Court case.

- Maintaining Family Ties

- 5.19 Prisoners on remand should be supported with the maintenance and development of relationships with their family and friends. This is important for the wellbeing of the prisoner but may also aid integration into the community following release. In addition, providing information about visiting arrangements, including the number of visits permitted each week, and that financial help to visit is available under the Help With Prison Visits scheme, is important. See the Strengthening Prisoners' Family Ties Policy Framework and PSI 16/2011 Providing Visits and Services to Visitors.

- Health concerns and substance misuse:

5.20 Relevant policies to refer to will include PSI 07/2015 Early Days in Custody, PSO 3550 Treating Prisoners for Substance Misuse and PSO 3050 Continuity of Health and Social Care for Prisoners and People on Probation.

5.21 At the pre-release point, healthcare will consider pre-registration with a community GP practice to attend upon release and should be included in all pre-release processes. Engaging healthcare at this stage supports continuity of care on release, provision of medication and arrangement of community healthcare appointments where necessary.

- Finance, Benefit and Debt

5.22 Remand prisoners may arrive in prison with financial commitments which they need to manage. Support in early days can help prisoners to contact banks or family members to prevent debt accumulating and reduce risk of reoffending on release. Special visits are allowed to enable prisoners to resolve their affairs (see PSI 16/2011 Providing Visits and Services to Visitors and the Strengthen Prisoners' Family Ties Policy Framework).

5.23 Most benefit claims are closed when someone goes into prison. There are some exceptions, such as continued payments of housing costs for up to six months for single prisoners sentenced for six months or less or on remand. Department for Work and Pensions prison work coaches can also provide employment and benefit support to remand prisoners.

5.24 Enabling prisoners to access their cash in a timely way helps them to maintain contact with their friends and families, resolve outstanding financial affairs in the community and reduces their vulnerability to debt and exploitation. Mandatory actions are included in PSI 01/2012 Manage Prisoner Finance, including processes for transferring cash in possession and money sent into their private cash account.

5.25 Unconvicted prisoners are entitled to pursue legitimate business interests. See PSI 01/2012 Manage Prisoner Finance.

Convicted unsentenced prisoners

5.26 Particular consideration should be given to the needs of convicted unsentenced (CU) prisoners. Such prisoners will have lost their additional rights as unconvicted but remain in reception prisons without a prison offender manager and face ongoing uncertainty about their sentence and release date. Their length of time prior to sentence is very varied as with the rest of the remand population. Most are sentenced within a few weeks but some can wait for years, for example if awaiting the trial of co-defendants. CU prisoners who spend an extended time at this status may have less access to interventions during their time in custody.

Court Appearances

5.27 Attending Court can involve long days, with lots of travel over a prolonged period. It can be a time of anxiety, with concerns over how a trial is proceeding and of unexpected outcomes. During this time, there is necessarily a lack of access to the prison regime and to contact with family and friends. Staff should therefore be mindful that this can be a time of increased risk of harm. See the Prison Safety Policy Framework.

5.28 Prisoners should be enabled to maintain contact with their legal advisers and understand the progress of their Court cases. Remand prisoners may seek information about how to

access and communicate with legal advisers, advice on ensuring legal representatives are able to book visits and that Videolink court hearings are available (as well as for all official visits). See PSI 75/2011 Residential Services and PSI 16/2011 Providing Visits and Services to Visitors. Court appearances via Videolink can carry the same associated risks, described above, as if a prisoner were physically attending Court, particularly if that Court appearance results in a change of status.

Bail Information Service

- 5.29 The Bail Information Service (BIS) is the central HMPPS headquarters function overseeing the operational delivery of bail support. This operates across courts in England and Wales (managed by regional Probation court teams) and prison establishments where defendants are held on remand. The primary audience of a Bail Information Report (BIR) is the court, specifically the CPS and Judiciary and its purpose is to assist in making informed decisions over the suitability for bail and any bail conditions.

Support for immediate releases

- 5.30 See PSI 72/2011 Discharge for the policy on discharging prisoners.
- 5.31 Remand prisoners may be immediately released from a Court hearing due to acquittal, discontinuance, granting of bail, imposition of a non-custodial sentence or due to a custodial sentence having been served on remand. Information about the next hearing is held on Common Platform and available to Offender Management Unit (OMU) staff. Awareness of the date and purpose of the next hearing is important information to be used in resettlement planning for remand prisoners to ensure appropriate support is in place in case of immediate release. See the Homelessness Reduction Act Policy Framework for supporting individuals released at Court.
- 5.32 Prisons can find it helpful to identify those with high resettlement needs or public protection issues such as domestic abuse, restraining orders, high levels of resettlement need or repeated imprisonment due to the high numbers and short stay of remand prisoners who may be immediately released. This information may come from:
- initial public protection risk screening by OMU staff on reception.
 - remand prisoners' initial assessments or partner agency interactions.
 - a bail information report being produced.
 - pre-sentence report authors.
 - previous probation records.
- 5.33 Sharing information about those who may be released at their next Court hearing enables preparation for the release and reduces emergency work on the day, including resettlement services, such as CRS, and public protection arrangements for these priority prisoners. For sentenced prisoners this is prioritised 12 weeks before release. However, preparing for release from reception enables a plan to be in place in the event of a remand prisoner being released without notice following a Court appearance.
- 5.34 Information may be shared via resettlement boards, shared databases or co-ordination through dedicated remand services.
- 5.35 The Prison Public Protection Policy Framework provides advice on notification to community agencies about the release of prisoners who are judged to present a risk of harm but are not subject to statutory supervision.
- 5.36 Establishing links with calendar Courts can also be used to discuss timely notification of results via Common Platform so that releases can take place earlier in the day.

- 5.37 See the Prisoners' Property Policy Framework and PSI 72/2011 Discharge for requirements on sending property to Court with prisoners where they may be released. This is important to allow crucial first steps on release such as contact with family and purchase of food to reduce the risk of reoffending and rapid return to prison. It is especially important for remanded prisoners as they are not eligible for the subsistence payment and so are often reliant on their private cash. Where defendants appear at Court via Videolink they should receive their private cash and valuables on discharge.
- 5.38 The practice of requiring prisoners to return to the prison to collect property the next day, where offices have closed, is not desirable especially where prisoners do not have community support or settled accommodation or have a long way to travel. See the Prisoners' Property Policy Framework and PSI 72/2011 Discharge for handling property when a prisoner leaves custody.
- 5.39 Local Partnership Boards and Reducing Reoffending Strategies in reception prisons should include consideration of immediate release, joint prison approaches to prepare for it and work together on the day, and ensure that continuity of care is prioritised for immediate releases. This includes sending urgent medication to Court, providing prescriptions on release and making appointments for ongoing physical, mental health and substance misuse treatment.

Remand Prisoner Cohorts

- 5.40 When considering the support required for remand prisoners more generally, staff should be alert to the needs of specific cohorts and populations of unconvicted prisoners given the particular vulnerabilities, including that they may be at increased risk of violence and self-harm:
- **Foreign Nationals:** For the particular support needs of Foreign Nationals, see PSI 52/2011 Immigration, Repatriation and Removal Services. They may need support to manage the additional uncertainty that a sentence may mean for their immigration status. Foreign Nationals cannot be deported whilst on remand but may face deportation upon sentencing. Those awaiting extradition can face lengthy periods on remand. Foreign Nationals may be detained in prison under Immigration powers at the end of a custodial sentence under IS91, instead of being transferred to an Immigration Removal Centre (known as Time-Served FNOs). If they are detained in prison after their conditional release date, they should be provided with rights which are available to unconvicted prisoners (see Annex B). The default position is for the individual to remain in a reception prison where unconvicted conditions can most easily be implemented, unless the individual requests that they remain in their current prison, even if it does not usually hold unconvicted prisoners.
 - **Women:** Women are often held in prison further from home than men due to the smaller number of prisons so their visitors, including children, face longer journeys. Given this, information for women and their families about visiting arrangements and financial help to visit under the Help With Prison Visits scheme is of particular importance (see para 5.19 above). Women can also find themselves held further from Courts, making production and transfers more difficult. Women presenting with complex needs, and held on remand, are suitable for referral to the Women's Estate Case and Support Panel for additional advice and support. See Women's Estate Case Advice and Support Panel Policy Framework. As set out under 'Evidence', there are high rates of violence and self-harm for remand prisoners and women are particularly vulnerable. There are also particular resettlement considerations for pregnant women and mothers and babies. See the Women's Policy Framework and the Pregnancy, Mother and Baby Unit and Maternal Separation from Children Up to the Age of Two in Women's Prisons Policy Framework.

- Young adults: HMPPS recognise young adults (age 18-25 inclusive) as a distinct cohort, based on the strong evidence about brain development and maturity, which can affect the way they engage with and respond to staff and regimes. Particular efforts should be made to ascertain information about young adults' needs – including mental health, neurodivergence and substance misuse and any particular concerns they have (e.g. safety, family contact, understanding why they have been remanded) so that appropriate support can be put in place. Consideration should be given to young adults who arrive in adult custody for the first time but who may have had previous engagement with the Youth Justice System, to ensure they understand the differences in regime, staffing and engagement with probation, as this differs to the youth estate and additional information about vulnerabilities and needs may sit within youth records. The Transition of Young People from the Children and Young People Secure Estate to Adult Custody Policy Framework details the process and support that should be put in place for young adults transitioning on remand. Information about induction processes and rights of unconvicted prisoners should be made available in accessible formats, with the opportunity for clarification and understanding to be strengthened through engagement with peer workers. More information about the needs and ways to manage this cohort can be found in the HMPPS Young Adults Custodial Strategy, Model for Operational Delivery for Young Adult Men and Operational Guidance for Young Adult Women.
- Care-experienced prisoners: Given that care experienced prisoners are less likely to have a supportive family or social network, risks relating to isolation, self-harm, debt and exploitation may be heightened. Where a care experienced prisoner is under the age of 25, it is important that staff make contact with local authorities' Leaving Care services to identify those with statutory entitlements. Where such prisoners (referred to as 'care leavers') have a Personal Adviser, they will be able to arrange statutory contact, visits and any financial support owed. Leaving Care services will also often have a legal duty to support care leavers with accommodation, so early contact is important for the remand population where help may be needed to preserve accommodation or identify suitable accommodation on release. For more information, contact your prison's care experience single point of contact or hmppscareexperience@justice.gov.uk.
- Transgender prisoners: information about the allocation, care and support of transgender prisoners, including requirements when they arrive in custody, is provided in The Care and Management of Individuals who are Transgender Policy Framework.

5.41 For all remand prisoners, consideration must be given to any Modern Slavery issues. See HMPPS Modern Slavery Guidance for Prisons in England and Wales.

Prisoners to be treated as unconvicted

Annex A

1. HMPPS treats prisoners as unconvicted for administrative purposes where they are remanded, committed or detained in custody:
 - under sections 5(1), 6(3), 10(4), 15(2), 18(4), 55(5) and 129(1) of the Magistrates' Courts Act 1980, or section 1(6) of the Bail (Amendment) Act 1993.
 - under section 11 of the Powers of Criminal Courts (Sentencing) Act 2000
 - under section 27(1) of the Criminal Justice Act 1948, when remanded or committed for trial.
 - during any adjournment of the Crown Court before conviction.
 - under section 10(3) of the Magistrates' Courts Act 1980 or during an adjournment of the Crown Court after conviction if – in either case – sentence has been postponed *solely* for the purpose of section 6(2) of the Immigration Act 1971
 - under paragraph 2(1) of schedule 3 of the Immigration Act 1971, while a court's recommendation for deportation is considered
 - on the authority of an Immigration Officer or the Secretary of State under provisions in schedule 2 or 3 of the Immigration Act 1971
 - (to a prison) as a place of safety under section 35 or 36 of the Mental Health Act 1983, section 5 of the Criminal Procedure (Insanity) Act 1964, or section 6 or 14 of the Criminal Appeal Act 1968 (those committed under sections 37 or 38 of the Mental Health Act must already have been convicted of a criminal offence. If the offence did not result in a custodial sentence, they should be treated as unconvicted. In other cases, they are treated as convicted prisoners).
 - under the Anti-terrorism, Crime and Security Act 2001
 - on further charges while still on licence under supervision, unless and until the licence is revoked.

Unsentenced prisoners

2. HMPPS defines unsentenced prisoners, to be treated in the same way as convicted prisoners, as:
 - persons found guilty and remanded in custody for inquiry or to await sentence, including those remanded or committed under:
 - i. section 10(3) of the Magistrates' Courts Act 1980
 - ii. section 43(1) of the Mental Health Act 1983
 - iii. section 5 of the Vagrancy Act 1824
 - iv. section 27(1) of the Criminal Justice Act 1948, when committed for sentence
3. The following are unsentenced but must be treated as unconvicted:
 - those remanded in custody under section 10(3) of the Magistrates' Courts Act 1980 or during an adjournment of the Crown Court after conviction, if sentence has been postponed solely for the purpose of section 6(2) of the Immigration Act 1971 (i.e. to enable a notice of partiality or liability to deportation to be served or to allow seven days to elapse after service of such a notice).

Unconvicted prisoners

1. The imprisonment of unconvicted prisoners should not deprive them of their normal rights and freedoms, except where this is an inevitable consequence of imprisonment, of the court's reason for ordering their detention and to ensure the good order of the prison. Restrictions that limit their activities must be the minimum required in the interests of security, good order or discipline and the welfare and safety of all prisoners. Subject to these considerations, unconvicted prisoners must be allowed all reasonable facilities to:
 - Seek release on bail.
 - Preserve their accommodation, employment and benefits as appropriate.
 - Prepare for trial.
 - Maintain contact with relatives and friends.
 - Pursue legitimate business and social interests.
 - Obtain help with personal problems.
2. Unconvicted prisoners are entitled to:
 - a. Have supplied, at their own expense, books, newspapers, writing materials and other means of occupation - Prison Rule 43 (1).
 - b. Have items for cell activities and hobbies handed in by relatives or friends, as well as to purchase them from private cash or pay.
 - c. Carry out business activities - see PSI 01/2012 Manage Prisoner Finance.
 - d. Wear their own clothing, unless considered inappropriate or unsuitable, and have this sent in by family and friends (and/or Personal Advisers for those with care leaver status) – Prison Rules 23, 40(3), Incentives Policy Framework.
 - e. Take part in the Incentives scheme – see Incentives Policy Framework.
 - f. Send as many letters as they wish - Prison Rule 35(1). This will include two statutory letters at public expense per week – see PSI 49/2011 Prisoner Communication Services.
 - g. Be attended by their own registered medical practitioner or dentist, at their own expense – Prison Rule 20(3).
 - h. Under no circumstances be required, against their will, to share a cell with a convicted prisoner – Prison Rule 7(2).
 - i. Be separated from convicted prisoners as far as can reasonably be done, unless they have consented to share accommodation or to participate in activities with convicted prisoners – Prison Rule 7(2).
 - j. Receive as many visits as they wish, within reasonable limits – Prison Rule 35(1). Minimum requirements are set out in PSI 16/2011 *Providing Visits and Services to Visitors*.
 - k. Vote in elections (see Restrictions on Prisoner Voting Policy Framework)
 - l. Work if they wish to (Prison Rule 31 (5)).
3. 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. While an unconvicted prisoner is allowed to have their own clothing sent in, this should only be sufficient amounts and not excessive (see Incentives Policy Framework).
4. In terms of accommodation, Prison Rules 7(2) means that, in practice, unconvicted prisoners should be housed in separate accommodation to convicted prisoners as far as the Governor considers this can reasonably be done. If the Governor considers, in certain

circumstances, that it would be unreasonable to maintain separation where unconvicted prisoners prefer to be held separately, an unconvicted prisoner could be located on the same wing or landing as convicted prisoners, but an unconvicted prisoner must not be required to share a cell with a convicted prisoner. Explicit consent must be obtained from the unconvicted prisoner for this to happen.

5. Prison Rule 7(2) means that sharing activities with convicted prisoners is acceptable, providing such activities are supervised and on the understanding that this enables unconvicted prisoners to have a better choice of activities, education and work than they would if they were kept segregated. Should the prisoner object to sharing activities, they must not be forced to do so.
6. When restricting an unconvicted prisoner's rights for security or operational reasons, staff must be aware of the above entitlements and be able to justify a restriction.

Unsentenced prisoners

7. Those unsentenced prisoners who are treated as unconvicted (see Annex A) receive the same rights as set out for unconvicted prisoners, as above.
8. Unsentenced prisoners who are treated as convicted lose all special rights and privileges, apart from the opportunity to vote (see Restrictions on Prisoner Voting Policy Framework).

CUSTODY TIME LIMITS – UNCONVICTED PRISONERS

Annex C

1. A custody time limit is the maximum time that a defendant may be held in custody between their first appearance in court and the commencement of proceedings. The time limits, which are set out in the Prosecution of Offences (Custody Time Limits) Regulations 1987, as amended, are different for summary offences, either-way offences, and indictable-only offence, and vary for either-way offences depending on whether proceedings are in the magistrates' court or the Crown Court. The defendant may, of course, apply for bail in the meantime; if bail is granted, the custody time limit is suspended for the period during which the defendant is on bail. The prosecution can apply for extensions of the custody time limit. If the custody time limit expires before commencement of trial (or before a guilty plea is entered), the court must release the defendant on bail, although the prosecution can seek to have conditions added to the bail.
2. The defendant remains in the custody of the court while awaiting trial and it is only by order of the court that the custody can be brought to an end. Case law has found that the Governor's only responsibility is to hold the defendant in accordance with the terms of the warrant. It is not the Governor's responsibility to make any application to the court (i.e. for an extension of the time limit) or to release the defendant without an order of the court. If, however, the prison becomes aware that a custody time limit has expired, they must take steps to bring this to the notice of the court.