



Ministry
of Justice

The Right Honourable
Stuart Andrew MP
Minister of State for Justice

Chair, Independent Monitoring Board
HMP Maidstone
36 County Road
Maidstone
ME14 1UZ

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Dear Chair

**HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 MARCH 2021 – 28 FEBRUARY 2022**

Thank you for your Board's report for the year ending 28 February 2022. I am grateful to you and your colleagues for your hard work, especially as you had a number of vacancies. I was saddened to hear there was one death in custody during the reporting year. As you are aware the Prisons and Probation Ombudsman (PPO) carry out independent investigations into deaths in custody and I would like to assure the Board my officials take recommendations from the PPO very seriously.

I understand the Board concerns about restoring local Governor controls to support regime recovery. In May 2022, HM Prison and Probation Service (HMPPS) exited the *National Framework for Prison Regimes and Services* and ceased central Covid Gold command which moved regime delivery and local decision making wholly back to governors. It is recognised that the level of restrictions that prison regimes have experienced during the Covid-19 pandemic means there is a need to increase access to purposeful activity and the time prisoners are unlocked to support well-being, rehabilitation and sentence progression. HMPPS is committed to expanding prison regimes at an appropriate pace which balances the competing demands, whilst maintaining safety through building the confidence and competence of staff and ensuring there is capacity to respond to the most acute staffing challenges in the system. Locally, as HMP Maidstone progressed out of the National Framework for Prison Regimes and Services, the regime was enabling 50% of prisoners to undertake purposeful activity in the morning or afternoon. The Governor and Senior Management Team continue to monitor the regime and are looking at ways to identify enhancements with a review that commenced in August 2022. This includes maximising prisoner allocation to activities and ensuring that access is correctly sequenced based on individual needs. The prison is also continuing to work closely with the education provider to ensure that staff vacancies are filled at the earliest opportunity.

I recognise the Board's continued concern that foreign nationals should receive deportation documentation in languages that they can understand. Whilst it is not Home Office policy to translate deportation paperwork served to foreign nationals in prison, where required the Home Office Immigration Team (IPT) will use an interpreter from the Big Word translation services for all confidential as well as other matters. The Home Office IPT also uses Home Office Interpreters for in-depth interviews and for enquiries which are not deemed to be sensitive they may call upon prison officers that speak the relevant language. In addition, since the latest HMPPS translation and transcription service contract started in October 2021, HMP Maidstone has submitted more assignments than any other prison. Due to the diverse nationalities within the prison, there are often complex blends of languages which can be challenging for the service provider to translate. However, the HMPPS Contract Management Team is

working closely with the service provider, as well as the HMPPS Foreign National Offenders Team to ensure an effective service is provided and the prison has not experienced any further issues with a lack of skilled interpreters and has received additional funding to facilitate translations when required.

Turning to the Board's ongoing concerns about foreign nationals being detained in prison after their sentence, the Home Office remains committed to ensuring that all deportation processes are expedited wherever possible and that foreign nationals are either deported or released from detention as soon as possible. A joint Home Office and HMPPS Early Release Scheme (ERS) Taskforce is focusing on removing barriers earlier to speed up the efficiency of ERS removals but it remains the case that legal challenges and travel documents can delay removals taking place early in the ERS window. Since 2021 the eligibility criteria for the Facilitated Release Scheme has also expanded which has resulted in an increase in EEA and non-EEA applicants. However, foreign nationals can remain detained in prison under immigration powers after a careful risk assessment of their suitability to transfer to the Immigration Removal Centre (IRC) estate where the presence of one or more of the risk factors or criteria is identified, as set out in the *Detention: General Instructions of the Home Office Enforcement Instructions and Guidance*. For those individuals deemed suitable for transfer they will be placed on a waiting list and remain in prison pending the transfer which will take place as soon as possible where space allows. Locally, the Home Office IPT attend HMP Maidstone daily now which is improving relationships with the prison and is ensuring that surgeries with foreign nationals have recommenced on a regular basis and the service of detention paperwork is more prompt.

In November 2021, HMPPS also introduced two policies to further support detainees held in prison. The first unlocked access to legal-aid advice, with all detainees now issued with contact details of the ten most local legal advisors, as well as having access to legal visits for a minimum of 30 minutes within a week of a visit request. The second policy provides detainees with an additional weekly payment of £5 which has been funded by the Home Office to bring parity for detainees held in prison instead of an IRC. In addition, as it is necessary for some detainees to remain in prison due to the risk that they pose, HMPPS plans to introduce a policy framework for Immigration Detainees in Prison later this year which will cover various aspects of support and the regime that detainees should receive to ensure parity with IRCs.

Whilst recognising your concerns and the challenges of Covid-19, it was reassuring to receive your comments that the prison is well run and provides a safe environment where incidents of violence are low. I was encouraged to note that the prisoners have good relationships with staff, Key Worker sessions are increasing and that work is taking place to update induction information in a variety of languages to support prisoners on their arrival. I was also pleased to read the recognition given to the Resettlement Management Unit and that in-cell telephony is now operational giving prisoners improved opportunities to maintain contact with their family and friends.

I note you have raised a number of local issues of concern in your report which the Governor will continue to keep you aware of as work continues. HMPPS comments in response to other issues raised in your report are set out in the attached annex.

The Justice Secretary and I appreciate the valuable role played by members of Independent Monitoring Boards throughout the estate and we are very grateful for your continued hard work on behalf of HMP Maidstone.


STUART ANDREW MP

HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2021 – 28 FEBRUARY 2022

HMPPS comments on matters raised in the report

Prisoners' Property

The new Prisoners' Property Policy Framework was published on 1 August 2022 with an implementation date of 5 September 2022. The Framework is the result of extensive consultation, including with the IMB. It has been designed with procedural justice at its core and aims to ensure consistency and fairness and enhance prisoners' satisfaction with processes and outcomes. Given the nature of property, and the movement of prisoners between prisons, the Framework provides greater direction and standardisation on a national basis. It strengthens processes in relation to the main problem areas identified by IMBs and staff including the handling of valuable property, managing cell clearances, compliance with volumetric control and forwarding on excess property following a prisoner's transfer. In addition, locally at HMP Maidstone a prisoners' family are permitted to send in a yearly parcel and there is currently no significant backlog in these being processed.

Category D Places

The availability of Category D spaces has been impacted by the requirement to close a number accommodation blocks in the open prison estate over the course of 2021 which no longer met statutory fire safety standards. The impact is being managed with temporary accommodation across the estate, which was already present at some sites as part of HMPPS Covid-19 contingencies measures, as well as new temporary accommodation being introduced. The Government has also committed to investing £3.8 billion to deliver 20,000 additional modern prison places across England and Wales by the mid-2020s. As part of this project HMPPS intends to deliver 660 additional places through expansion of the Category D estate by adding one or two new 60-bed units at a number of sites across the country.

Foreign national prisoners with no 'liability for deportation' must be categorised for Category D open conditions in the same way as other prisoners. Foreign nationals with a 'liability for deportation' must be considered for categorisation to open conditions but that categorisation must be informed by documentation completed by the Home Office and procedures must be in place to obtain this where relevant. The Home Office documentation provides deportation status information relevant to the security categorisation assessment. The Home Office also advises of any individual circumstances that might increase or decrease, the incentive to abscond from open conditions which ensures the responsible officer is reviewing the whole risk picture in their decision making as they would with all categorisation decisions. A foreign national in closed conditions must not be categorised to open conditions where there is a deportation order in place and no appeal is on-going, pending, or could be brought. Any foreign national in open conditions who subsequently has a relevant deportation status must have their categorisation reconsidered as soon as practicable.

Release on Temporary Licence

HMP Maidstone is currently exploring the options for Release on Temporary Licence (ROTL) for those prisoners which are suitable following appropriate risk assessments. The Governor at HMP Maidstone will be visiting HMP Huntercombe in the coming months to observe best practice on how ROTL is being facilitated.

Resettlement

The Foreign National Offender (FNO) Resettlement Teams at HMP Maidstone and HMP Huntercombe were created alongside the central HQ FNO Information Hub in March 2021. Specialist knowledge and

good practice from the foreign national only prisons feed into the advice and guidance published by the FNO Information Hub, which is made available to all staff and prisons. The FNO Information Hub Team consults widely with internal and external stakeholders to ensure that the guidance produced is of use to all prisons managing foreign nationals and foreign national only prisons are playing a key role in delivering this service.

Prison Technology

The 2021-2024 Digital, Data, and Technology Strategy has set out to give prisoners the digital tools and technology to support their rehabilitation and to make video conferencing accessible to everyone. Between May 2021 and February 2022, 1460 video calls were completed at HMP Maidstone through the Secure Social Video Calling service. Feedback regarding the quality of calls, both from callers (4.3 out of 5) and prisoners (4.1 out of 5) were positive, indicating that the service is performing well to allow prisoners to have successful video calls with family and friends. However, significant work has been undertaken to the network at HMP Maidstone. In May 2022, an issue was identified with the network capacity and changes were made to re-route some network traffic through a different data centre, providing additional capacity and improved network performance across the prison estate. Further work has also begun to identify any problems with the network at HMP Maidstone and potential solutions to this, with the aim of continuing to improve network performance at the prison, to ensure prisoners can maintain their relationships with family and friends.

In addition, to prevent damage to cabling, funding has been agreed with the facilities management provider, GFSL, to increase pest control visits to HMP Maidstone. The prison also has prisoner cleaners working in external areas to clear away rubbish and cell bins are being purchased to discourage prisoners from throwing rubbish from their windows.