



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

Don Chai.

31 August 2023

HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2022 – 28 FEBRUARY 2023

Thank you for your Board's report for the year ending 28 February 2023. I am very much aware of the amount of effort that goes into producing annual reports and thank you for providing a comprehensive picture of HMP Maidstone over the reporting period, especially as you continued to operate with several vacancies. I address below the specific points you have raised for my attention.

I appreciate the Board's ongoing concern that official documentation should be provided in a prisoner's own language to enable the individual to understand and sign the documents. Further to last year's response, Home Office guidance is that the documents are produced in English only. There is no funding to translate the documents prior to prisoners signing them. At HMP Maidstone, Home Office Immigration Team (IPT) officers serve all paperwork to prisoners in-person and they will explain what the paperwork entails. The Big Word Interpreting Service continues to be used when IPT officers identify language issues, and IPT officers use Home Office interpreters either in-person or via video calls when more in-depth or sensitive interviews are conducted. It has recently been established that there may be a tablet computer that can assist with translations. HMP Maidstone is exploring the viability and feasibility of this and different options that also complies with security protocols.

When a decision is made to detain a Foreign National Offender (FNO) following the completion of their custodial sentence, the Home Office will conduct a careful risk assessment of their suitability to transfer to the immigration removal estate. The normal expectation is that the prison beds made available for the Home Office by HM Prison and Probation Service (HMPPS) will be used to hold FNOs who are assessed as unsuitable for detention within the immigration removal estate. All decisions are governed by chapter 55 of the Home Office Enforcement Instructions and Guidance and take into account the risk factors and criteria set out in the guide. Individuals that are deemed suitable for transfer to an immigration removal estate will be placed on a waiting list, operated by the Home Office, but will remain in prison accommodation pending that transfer.

The Early Removal Scheme (ERS) allows FNOs serving a determinate sentence to be removed from the country up to twelve months before their Conditional Release Date. The actual ERS period in each case varies according to the length and type of sentence the FNO receives. This is because legislation states that one half of the 'requisite custodial period' of the sentence must be served before removal can take place. Therefore, the maximum one-year window applies only to sentences of at least four years where the earliest release point of the sentence is halfway, and three years would be the ERS point which is at the two thirds point of the sentence/custodial term. The ERS window will be proportionately shorter for

sentences below these terms. HMP Maidstone will continue to support the transfer of prisoners to the immigration detention estate when requested, including facilitating transfers on weekends.

The Board will be aware that currently there is great pressure on prison capacity across the estate. Despite the pressures, HMPPS has taken action to speed up transfers of eligible prisoners to the open estate. HMPPS is ensuring that all prisoners have up-to-date risk assessments and are reviewed regularly for suitability. HMP Maidstone will continue to support transfers to the open estate, however, the prison is reliant on the completion of relevant paperwork by the Home Office to support any moves. There are no additional facilities offered to Category D prisoners at HMP Maidstone.

Release on Temporary Licence is a local issue, however, I am pleased to confirm that the Governor is currently devising a pilot that will enable a small number of eligible prisoners to undertake work outside of the prison. The Governor will keep you aware of progress as work continues together with the other local issues of concern raised in your report.

I recognise there are ongoing issues at HMP Maidstone and it was therefore encouraging to receive your comments that HMP Maidstone is well run and overall is a safe prison with low levels of violence. I was also pleased to note the upgraded internet provision, the resumption of the community council initiative and the improved regime and activity provision post-pandemic with greater time out of cell for prisoners.

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.



Damian Hinds
Minister for Prisons and Probation

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HMPPS comments on matters raised in the report

CCTV, Security and Maintenance

Due to the physical layout of the prison, it is not possible to implement Enhanced Gate Security at HMP Maidstone. The bid for projects to upgrade the internal and external CCTV equipment and Communications Room relocation have been received and will be considered for inclusion in future capital maintenance programmes. Demands for maintenance are much greater than the available funding, therefore, once a bid for a project is received, HMPPS has to prioritise works very carefully to make best use of that funding, focusing on risk to life and risk to capacity and decency.

Aside from the security upgrade, other approved works include addressing damp cells by replacing adjacent shower blocks. Following the works, core samples of the concrete slabs will be analysed to ascertain the extent of the issue. Cells affected with damp will not be populated and the Operational Capacity has been adjusted accordingly. Electric locking will be replaced site-wide during the Communications Room relocation and a bid for replacement windows across the site has been approved for progression in 2026 (except for one block that has already been upgraded). Any windows that require replacement during other projects, such as the heating refurbishment, will be changed during those works.

Post-Release Evaluation

The vocational courses offered at HMP Maidstone are very popular and have qualifications that can be used globally (bricklaying, painting, decorating and tiling). HMPPS is exploring the possibility of having more effective data collection processes, however, as approximately 62% of the prisoners at HMP Maidstone are repatriated to their home nation it is extremely difficult to capture data to support how effective pre-release activities are for prisoners released to their own countries.

Prisoner Activities

In addition to the vocational courses offered at HMP Maidstone, the prison has introduced a new workshop that works with a local charity to produce items made from recycled wood. HMP Maidstone does not receive any additional funding to specifically work with FNOs.

Information and Literature for FNOs

The Board will be aware that HMPPS operates a FNO Information Hub. The Hub provides information, advice and guidance for prison staff on immigration processes and removal mechanisms for the purposes of better managing FNOs in custody effectively and encouraging compliance with the deportation process. The Hub is supported by a cross-government team including secondees from the Home Office and the Probation Service, ensuring a consistent approach to support available.

Resources currently available on the Hub include helpful information for those being removed to and resettling in countries abroad; factsheets on deportation and removal processes such as ERS; and Home Office promotional materials. During the rest of 2023, the Hub will issue easy to understand immigration guides to every single prison in England and Wales.