



**INDEPENDENT MONITORING BOARD
HMP Maidstone**

ANNUAL REPORT FOR THE YEAR ENDING 28 FEBRUARY 2014

S1 STATUTORY ROLE OF THE IMB

The Prison's Act 1952 requires every prison to be monitored by an Independent Board appointed by the Justice Minister from members of the community in which the prison is situated.

The Board is specifically charged to:

- (1) Satisfy itself as to the humane and just treatment of those held in custody within its prison and the range and adequacy of the programmes preparing them for release;
- (2) Inform promptly the Secretary of State or any official to whom he has delegated authority as it judges appropriate any concern it has;
- (3) Report annually to the Secretary of State on how well the prison has met the standards and requirements placed on it and what impact these have on those in its custody.

To enable the Board to carry out these duties effectively its members have right of access to every prisoner and every part of the prison and also to the prison's records.

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S3 DESCRIPTION OF MAIDSTONE PRISON

Maidstone Prison is a category C establishment with a capacity of 600 accommodated in 4 Wings:-

Weald (capacity 149) is an Induction Wing for prisoners new to this prison. It is the only Wing with double cells (38)

Thanet (capacity 174)

Medway (capacity 101)

Kent (capacity 176).

The estate has nine listed buildings and includes a self-contained kitchen, a gymnasium and playing field and numerous workshops. The Roman Catholic Chapel and Church of the Good Shepherd occupy a single building, the main part of which has been adapted to create a Multi-Faith centre. Education is supplied on-site by Manchester College. Healthcare is supplied by Oxleas NHS Foundation Trust. The Healthcare Unit has no in-patient accommodation, nor is it open 24 hours.

At the beginning of this reporting year Maidstone was primarily occupied by sex offenders and some Foreign Nationals, with the purpose of preparing prisoners for release with a reduced risk of re-offending. To this end it delivered the Sex Offenders Treatment Programme across Kent and Sussex and maintained a number of successful workshops providing skills for future employment. In January it was announced that Canterbury Prison would close and Maidstone would become a wholly Foreign National Prisoner establishment. Re-role commenced in February and the last British sex-offender left in September.

To date the new purpose of the prison has not been formally ratified.

Immigration/UKBA staff are now also housed on-site to facilitate repatriation.

S4.

S4.i) EXECUTIVE SUMMARY

The Board's report for the current year reflects a period of turbulence for both prisoners and staff. The change of role commenced at very short notice with the transfer of prisoners from Canterbury. Its purpose; to house prisoners prior to repatriation, was not confirmed until re-role was almost completed. This re-role coincided with the implementation of major changes within the Prison Service. A new Governor was appointed in June and came to Maidstone in the midst of change. No statement of intent has yet been ratified by the Public Prisons Board, making it difficult for staff and prisoners to understand the change.

'Fair and Sustainable' and 'New Ways of Working' strategies have resulted in staff reductions and numerous changes of role/grade. Communication of these changes has been poor. A number of committed and experienced staff took Voluntary Early Departure (VED) rather than re-grade. The Board are concerned about the impact of these major changes on remaining staff and the consequential impact on prisoners.

Staff coped extremely well with the rapid re-role and associated problems; short notice high volume transfers of prisoners in and out (churn), with consequential volumes of property and paperwork. The majority of incomers arrived without Offender Assessment System (OASyS) reports. An unexpected, short notice transfer of 150 prisoners from HMP The Verne, carried out at a rate of 10-15 per day in September, led to prisoner discontent, culminating in a serious incident on 2 November 2013. Reasons given were delay in receiving property; additional or extended lock-ups (mostly designed to release staff to deal with the property backlog) and problems with catering. An open letter from the prisoners to the Governor was read and discussed at the February Prison Council Meeting, raising concerns about morale on both sides and consequential effects.

Catering was also of concern for the Board due to budget cuts, supply chain problems, an inadequate computer system affecting delivery of menu choices (replaced in December 2013 and much improved) combined with the pressures of delivering appropriate food to a wide range of ethnic and religious requirements, often at extremely short notice due to the high rate of churn.

Education and purposeful activity have continued although changing to meet the skills and needs of Foreign Nationals facing repatriation. The Board is keen to monitor these developing areas closely.

The Board are pleased to report the return of a Drug Detection dog and note successful finds have already been achieved.

S4ii) PARTICULAR ISSUES REQUIRING A RESPONSE

4.1 IS91

There are about 32 detainees who remain in the prison despite completing their sentence, as a result of deportation issues, despite the efforts of UKBA. Some of these detainees are violent and likely to re-offend but may be released into the community as there is no potential for deportation. The Board would like to know what is being done to address this problem, which is not unique to Maidstone.

4.2 Resourcing

The Board is concerned that resourcing is insufficient for the prison's new role and that pressures arising will lead to more serious incidents such as that in November and increased likelihood of Death in Custody (DIC). As the current role of this prison is a new concept, the Board would like to be assured that resourcing is under review. *See 5.1*

4.3 Communications

Senior Management Team (SMT) absences, vacancies and changes, the rapid re-role, staff reductions and role/grade changes and the implementation of New Ways of Working (NWoW) have combined to have an adverse effect on communication and the culture change required to effectively manage the new, more volatile population and new purpose (the statement of intent remains unratified). The Board are encouraged by recent temporary and permanent appointments. Although it is early days, these appear to be having a positive effect, being more visible to prisoners and staff. The Board are concerned that progress is slow owing to the many issues to resolve. *See 5.2*

4.3 Healthcare

The Board has serious concerns about the provision of appropriate care for prisoners at risk, either of self-harm, for mental health reasons or disability. The Governor has arranged to meet with the NHS Trust and the board would like to see him supported in ensuring prisoners get the right care at the right site. It is also a concern that the Prison and Probation Ombudsman (PPO) investigations into the DICs on 26 December and 29 January are making slow progress. *See 5.5*

4.4 Purposeful activity

The Board is concerned that purposeful activity, a main criterion for the prison, has been and will continue to be adversely affected, despite publication of a new local Offender Activities policy in October. *See 5.6*

S4iii) PREVIOUS CONCERNS

The concern identified in last year's report in relation to SOTP is no longer relevant as this training has moved elsewhere.

S5

5.1 Resourcing

SMT shortages have required the acting up of a number of staff, reducing staffing levels at lower grades. The resource benchmarks were drawn up prior to the change of role.

The New Core Day went live on 12 January, with staff only formally notified the previous month. Initially at least, there are shortages in essential areas such as the Care and Separation Unit (CSU) and also the Wings, and a higher risk of incident due to the limited number of managers, who are required to cover more than one Wing during a shift. Payment Plus (PP), otherwise known as Overtime, is being used to plug the gaps. Leave requests are being refused more often and there is a belief among staff that this can only get worse, creating family problems for many. It is understood that a number of previously committed, experienced staff have applied for jobs elsewhere. The open letter to the governor brought to the February Prison Council suggested that staff do not have time to deal with prisoner's problems and prisoners lack awareness of the role of their Personal Officer.

The rapid turnover of prisoners (churn) and the very high number of prisoners who arrive at Maidstone without an OASys report means that additional hours spent on OASys checks are only sufficient to maintain, rather than reduce numbers, with 200 outstanding at 28 February. This has a continuing negative effect on prisoners. In addition the rapid churn of prisoners, greater than anticipated, puts considerable pressure on Offender Management and Reception. A 25% increase in movements in and out year on year includes many more resource intensive movements, whereas previously 60% of prisoner movements had been 'soft touch' (hospital appointments and such).

5.2 Communications

SMT pressures have meant that opportunities for timely consultation with staff have been missed, especially in relation to cultural change arising from the re-role and the introduction of NWoW. Meetings are frequently not scheduled or cancelled at short notice, with attendees often late in arriving. Wing meetings have not been held in the majority of Wings for some time and shift handovers are unavoidably rushed. Management visibility and engagement is perceived to be lacking although the Governor acknowledged this in his Christmas message and the new Deputy Governor is taking positive steps to improve this.

Exacerbated by the unavoidable absence of the Governor's secretary, as well as the pressures on SMT, the Local Internet site has not been updated for some time, Weekly Bulletins have failed to appear and the Establishment Report either late or absent in circulation. A proliferation of global or poorly targeted e-mail messages has been identified as having a negative impact on staff and is being addressed.

As a consequence of the perceived lack of SMT engagement, staff increasingly approached IMB for support, although recent feedback has shown some improvement. Prisoners similarly have increased their approaches to IMB members, seeking reassurance and support.

The Prison Council did not function for several months during the re-role but has been re-elected from the new population. They are taking a positive and constructive approach, offering potential solutions as well as identifying problems. In the final quarter SMT has engaged well at these meetings and the introduction of deadlines for action has improved responses to Action Points. The Governor has also been open to ideas for change and several have been implemented. It is regrettable that Immigration/UKBA are rarely able to attend, as many prisoner concerns are around their processes. They do however hold regular surgeries and prisoners are able to make appointments to raise their particular concerns.

5.3 Equality and Inclusion

That the last British sex offender was transferred 6 months after the re-role commenced reflects well on the prison's efforts to find appropriate accommodation but also demonstrates the difficulty in finding spaces in the Prison Estate for those who are elderly and infirm.

The prison also deserves credit for maintaining integration of sex offenders and Foreign Nationals during the re-role. This required constant monitoring and review but was successfully achieved. About 10% of the current population are sex offenders and maintenance of integration throughout has been beneficial.

Re-role has meant a major change for staff. The previous population was fairly passive and open to communication. The new population is more volatile in both temperament and turnover and there are cultural and language barriers with 39 different languages spoken. Staff Training on Cultural issues was devised in mid 2013 by the Equalities Manager in place during re-role (since left under VED), but has not yet been delivered. The newly appointed Equalities Manager intends to road-test the training using peer workers before delivery commencing April 2014. The Board will monitor the effect on prisoners and staff.

Issues raised by the IMB mid- year about simple signage and messages to enable better communication with foreign speaking/illiterate prisoners have not yet been addressed.

The prison failed the Equalities Audit. Main issues include a failure to identify and act on discriminatory practices; no Local Equality Action Plan or Equality Impact Assessment for the current year; no information on Equalities included in the Induction process.

As an inevitable outcome of the changes, the emphasis on the prisoners, rather than the prison, being *Foreign National* has had a negative effect on perceptions. Prisoners have made comments to Board members in respect of the differences in regime prior to, during and subsequent to re-role, complaining they are less well-treated because of their status. The Board believes most problems experienced are down to the inevitable upheaval, exacerbated by the impact of 'Fair and Sustainable', NWoW and cultural change. Some adjustment of expectations is required by prisoners and staff. The Governor has addressed a number of issues where processes such as censorship, access to family members and the facility to make international telephone calls needed updating to reflect the change in prison population. The Board will continue to monitor the situation.

At the February Prison Council meeting, an open letter to the Governor was read and discussed at length and action points agreed. The letter identified three core issues affecting prisoners' quality of life: a perceived decrease and lack of, quality of care; an absence of hope and chances for carceral and personal progression; and finally, low morale amongst both prisoners and staff. The IMB chair attends these meetings and will monitor outcomes.

A new Head of Chaplaincy was appointed mid-year. In the absence of a predecessor or an induction process, an initial lack of clarity about roles and responsibilities led to some problems, including the provision of religious feasts. Since then the Chaplain has been very effective and received praise at

the last Prison Council meeting. There are however new challenges associated with the re-role and the impact on chaplaincy resourcing:-

Previously a mainly Christian population, there are currently 24 different religious denominations. Other than Church of England prisoners there are;-

152 Muslims,	supported by 1 part-time Imam
155 Roman Catholics	supported by 1 part-time chaplain
21 mixed Orthodox	supported by the Roman Catholic resource
20 Buddhist	supported once a month
10 Rastafarians	no security cleared support

Small numbers of Hindu, Sikh and Jewish prisoners with weekly support.

Despite the high rate of churn these numbers remain more or less constant.

The Head of Chaplaincy hopes to augment the existing resources as the budget allows, but has not (as at 11 March) been notified of a budget figure. Volunteers provide a great deal of support.

The chaplaincy works well as a team and supports the population regardless of religious denomination. They have a good relationship with staff who identify those in need of spiritual guidance and notify the chaplaincy. The church as a multi-faith centre has its limitations especially with regard to suitable space and facilities for Muslims (who have to perform ritual ablutions in the wings). Constraints are set by the demands of different faiths but the SMT has been supportive and respectful of the needs of the chaplaincy, supporting volunteers and the prisoners.

5.4 Education, Learning and Skills

Manchester College continue to hold the Education contract. The new population has a greater need for basic literacy and basic skills suitable for use in their home countries. 50-60 prisoners are in formal education plus 15 using the virtual campus to train in Information Technology (IT), 10 training in brickwork, 10 in Painting and Decorating and 3 in catering. These courses are all meaningful for those to be repatriated and this may be reflected in the retention rate of 98%. Peer workers are also engaged to assist in training.

5.5 Healthcare and Mental Health

The Board has a statutory duty to monitor the provision of Healthcare on a regular basis. There have been some changes in personnel with the Unit Manager taking multiple roles for a period mid-year. Despite this the timeliness of medical appointments and range of services has mainly been at least as

favourable as that experienced by the public locally. Provision of dental services has however recently become a problem with the waiting list for treatment increasing from about 25 to 100 by year end. There is a continuing lack of attendance by health staff at segregation reviews.

There have been four Deaths in Custody this year, of which only two have had a final Ombudsman's report published. Issues have been identified relating to the quality and timeliness of Healthcare, the skills of Healthcare staff and the facilities' adequacy to meet the needs of disabled prisoners, including the lack of an in-patient facility. The Board is concerned that the Ombudsman's office has been too busy to progress the two most recent cases which occurred on 26 December and 29 January.

Although the average age of Foreign Nationals is lower than those of the sex offenders at Maidstone before re-role, there are still difficulties in providing appropriate accommodation for disabled prisoners, mainly owing to the age and design of the listed buildings. Early indications suggest it is possible there will be more self-harm incidents relating to concerns over repatriation. There may also be more drug and alcohol-related cases, resulting from either previous abuse or through abuse on site. The increasing use of SPICE within the prison estate is of great concern to the Governor; its use is suspected but not easy to confirm

There appear to be some difficulties in finding appropriate accommodation elsewhere for prisoners with serious mental health issues; in one case this resulted in a prisoner remaining in Segregation and the CSU for an extended period from 4 November to 15 November and 17 November to 10 December, before a bed was found in a secure unit.

The Board continue to monitor Assessment, Care in Custody, Teamwork documents (ACCTs), serious incidents and the prevailing mood in the prison.

5.6 Purposeful Activity

A new Local Activities Policy was issued in October 2013. It states that all prisoners are expected to be engaged in either education or full-time work (9-13 sessions per week) unless they have reached legal retirement age or Healthcare have assessed them unfit to work. Assessment of literacy and numeracy is made at Induction and prisoners are allocated to Education or Print Finishing Shop until they have attended an Activities Board which may re-allocate, or they may make a successful application to work elsewhere. If a prisoner is in part-time education they will be expected to work in another activity. Detainees served with a UKBA Warrant of Detention form (IS91) are expected to attend their

allocated activity. Prisoners are also eligible for gym sessions, the number of which is determined by their Incentives and Earned privileges (IEP) level.

There have been difficulties in achieving the aims and objectives of this policy resulting in prisoner complaints about enforced inactivity and the lack of opportunity to earn money. Gym sessions have frequently been cancelled or limited in availability in recent weeks, anecdotally due to delays in communicating the impact of the New Core Day but also due to the unexpectedly high rate of churn.

The more stable population of sex offenders, either serving long sentences or looking to return to the community resulted in generally high levels of skill and commitment. This enabled the workshops to compete successfully for contracts and deliver high quality work. The new population is less skilled and high churn makes effective training more difficult. Contracts for work from outside concerns, already lacking, have been affected further, with some having to be refused as being too complex. Despite that, the print workshop, with skilled staff using the more high-tech equipment, has had a successful year. Without a 4 month hiatus it would have delivered similar outcomes to the previous year.

5.7 Resettlement

Most of the current prison population, being of interest to Immigration, will be leaving the UK at end of sentence or when the receiving country decides to accept them. The Governor has stated his intention to transfer those successfully appealing to remain to prisons such as Rochester which have the resources to facilitate resettlement. Delays in progressing Release on Temporary Licence (ROTL) and recategorisation applications are put down to delays by other agencies and a limited ability to chase unmet deadlines.

5.8 Safer Custody

Open ACCT documents are routinely examined during each statutory visit by the IMB to ensure correct procedures, regular reviews and meaningful observations are recorded. No particular issues have been identified.

5.9 Segregation, Care & Separation, Close Supervision

The CSU has a small number of cells to hold prisoners for disciplinary or own protection reasons. The special unfurnished cell for particularly difficult prisoners has been used only for a few very short periods (hours only) within this year.

IMB members are required to see all prisoners located in the CSU within 72 hours of their arrival to ensure they are held for legitimate reasons and at least weekly thereafter to check their well-being. Members also attend regular

reviews to consider the continued segregation of a prisoner and are able to express dissatisfaction with management decisions.

In the earlier part of the year, prisoners receiving short (up to 3 days) sentences of cellular confinement were held on the Wings. With the arrival of a new Governor in June this was changed and all such sentences are carried out in the CSU. Owing to the high churn of prisoners and some, perhaps inevitable, inappropriate transfers in, the CSU has been very busy. Additionally, other prisons such as Rochester have occasionally used the facility when their own resources were over-stretched. There have also been some difficult cases where prisoners have remained in the unit for longer than ideal, due to difficulties in finding appropriate accommodation elsewhere.

Two cells, which are not part of the CSU are adapted to enable constant observation of prisoners considered to be at high risk of self harm. Plumbing problems and on one occasion, the trashing of equipment in those cells required them to be taken out of commission. The prisoner referred to at 5.5 could not be accommodated in those cells for part of the time and was prevented from potentially serious self harm only due to the close observation and prompt action of a member of staff. Another prisoner, arriving on transfer from HMP Wandsworth had to be sent to HMP Elmley for overnight close observation, contributing to an ongoing mental health issue.

Experienced staff have been seen to show compassion and patience at all times, sometimes to a staggering degree. As a consequence the atmosphere within CSU is usually calm, with prisoners encouraged to occupy their time constructively. Since implementation, the pressures of NWoW have meant that inexperienced staff are on duty in CSU more frequently, creating a backlog of paperwork for others.

5.10 Residential Services

i) Accommodation

All areas of the prison are inspected regularly by members of the Board. In this reporting year there have been issues over standards of cleaning and the poor state of the servery in Kent wing. The servery has now been replaced and is working properly. The cell set aside for a disabled prisoner in Weald has heating and ventilation problems which cannot easily be addressed. Although the condition of the Wings generally is not bad considering the age of the buildings, the showers in several are in very poor condition and there are associated health and safety risks. Cleaning also remains an issue albeit not constantly. In recent months, staff have been more visible out on the floor.

Extreme weather conditions resulted in damage to the church roof, which required services to be relocated temporarily to the gym until repairs could be effected.

ii) Food/Catering/Kitchen

Delivering appropriate food for a wide range of dietary and/or religious needs under a tight budget is a considerable challenge. After the incident on 2 November, a constructive Prison Council meeting resulted in a number of changes in managing fair portions and choices. These changes and a new computer system which manages individual menu choices have brought considerable improvement. The Prison Council have commended the Governor and the Catering Manager for this positive approach to the concerns raised.

The kitchen is a relatively new building and well fitted. Problems identified by Board members during statutory visits are more often around the transfer of food and equipment to and from the wings; an issue for the Cleaning Officers and servery employees. Comments books, which should be available for the use of prisoners at the servery during mealtimes, frequently cannot be found for inspection and this problem continues despite being raised many times.

S6

6.1 Induction/ Reception

New peer workers had to be appointed as the prison underwent re-role. This may explain why the role of Personal Officers and Equalities issues dropped off the Induction agenda but the new peer workers seem to be of good quality and the omissions are being addressed. The Board are concerned that under the new process, prisoners are not called until the IMB member is present to give their talk, causing delays and prisoner dissatisfaction. This can cause disruption and an officer is not always present during the IMB induction.

Reception has been under enormous pressure, especially with the rapid transfer of prisoners from HMP The Verne and the subsequent high rate of churn. They are to be commended for their handling of the pressures occurring for most of the year. Inevitably property was an issue, not least because of failures in the transfer process. The sheer quantity of property arriving created major delays in getting it to the prisoners and this, together with increased lock-ups intended to release staff to assist with the process, was a major factor in the serious incident of 2 November.

6.2 Time out of Cell

Due to staffing issues the Governor has chosen to operate a system where one wing has time out of cell each evening, rather than 10% of the general population. Despite some teething problems due to the different days for unlock

each week, especially in relation to telephone calls, this generally seems a more effective use of resources and improves association.

6.3 Security

For a large part of this year the Head of Security has been a temporary acting-up. He has been extremely effective and is well-liked and respected by prisoners and staff. The Security audit achieved an Amber/Green rating. The re-role creates considerably greater challenges with numerous minor incidents which have been handled promptly and effectively. The re-introduction of a Drug Detection Dog has been of considerable value.

6.4 IMB Members

This year we lost a long serving chair of 23 years experience and its Asian member under rules of tenure, but is otherwise reasonably diverse. Our next most experienced member completes his term mid-year 2014. This leaves a relatively inexperienced board, some of whom have limited availability for reasons of work, health or family commitments and the current chair has concerns about the impact this has on effective monitoring. Our youngest member transferred from HMP Swaleside during probation and resigned shortly after appointment due to other commitments.

We are recruiting in the next reporting year when we would hope to improve diversity again.

S7

7.1 BOARD STATISTICS

Recommended Complement of Board Members	12
Number of Board members at the start of reporting period	13
Number of Board members at the end of reporting period	11
Number of new members joining during reporting period	1
Number of members leaving within reporting period	3
Total number of Board meetings during reporting period	12
Total number of visits to the Establishment	444

7.2 PRISONER APPLICATIONS 2013/2014

		2013/14	2012/13	2011/12
A	Accommodation	1	9	7
B	Adjudications	4	6	3
C	Diversity	2	3	12
D	Education/Training/IEP	25	25	34
E	Family Visits	16	24	19
F	Food/Kitchen	10	11	7
G	Health related	27	27	15
H	Property	71	28	44
I	Sentence	33	9	20
J	Staff/Prisoner relationships	11	21	16
K	Transfers	7	9	3
L	Miscellaneous	33	27	24
TOTAL		240	199	204

7.3 PRISONER APPLICATIONS 2013/2014: ETHNIC ANALYSIS

Ethnic group	Apps	% TOTAL %	Of Population
ASIAN BRITISH	12	5.0	2.03
BLACK BLACK BRITISH (B1, B2, B3)	104	43.33	17.63
MIXED	3	1.25	0.51
CHINESE OR OTHER ETHNIC GROUP	3	1.25	0.51
WHITE	117	48.75	19.83
NOT STATED	1	0.42	0.17