



Ministry  
of Justice

**Sam Gyimah MP**  
Parliamentary Under-Secretary  
of State for Justice

Ms Penny Spearman  
Chair, Independent Monitoring Board  
HMP Maidstone  
36 County Road  
Maidstone, Kent  
ME14 1UZ

18<sup>th</sup> September 2017

Dear Penny,

**HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT  
FOR 29 FEBRUARY 2016 – 28 FEBRUARY 2017**

Thank you for your Board's report for the year ending 28 February 2017. As always, I am grateful to you and your colleagues for all the hard work that has been put into this report, particularly as the Board has continued to operate with a shortage of members during the reporting period.

It was pleasing to receive your comments that prisoners at HMP Maidstone are treated fairly and humanely and that staff work hard to maintain a friendly and relaxed atmosphere. I was encouraged to read about the improvements to the education provision and the relationship between the prison council and senior management team. I was also pleased to read that there is a greater understanding of the Early Removal Scheme and the support provided to prisoners under the Steps to the Gate initiative is most welcomed.

I fully understand the Board's concern about the poor condition of the gymnasium and sports hall, and acknowledge that without investment this facility will eventually have to close. Whilst this can be mitigated during the dryer months with the utilisation of the all-weather football pitch, this is not a long-term viable solution. A bid for investment has been submitted containing several options, including the recycling of an Air Hall Gymnasium from the redevelopment of HMP Rochester. Ministry of Justice (MoJ) Estates will consider this bid, taking into account other competing priorities across the estate and the availability of funding.

HM Prison and Probation Service (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.

Yours sincerely

**SAM GYIMAH MP**

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**HMPPS comments on matters raised in the report**

**Prisoners' Property**

HMPPS understands the importance of property to prisoners and strives to ensure it is managed as effectively and efficiently as possible. It is in the interests of both prisoners and staff that property is dealt with promptly, fairly and with attention to detail. A review of the Prisoners' Property policy is currently taking place alongside a national project to improving the handling of claims and preventing the causes of litigation. This work will feed into the prisoners' property review. All aspects of handling prisoners' property will be considered as part of the prisoners' property review and HMPPS expect to issue a revised policy during 2017.

HMP Maidstone has commissioned a review of complaints in response to the Board's report and other identifying factors. This is to gain greater clarity around internal and external complaints, and in particular, those about property. Outcomes will allow performance to be challenged internally to achieve timely and quality responses, whilst enabling HMP Maidstone to apply pressure to other establishments with a conclusive audit trail. Where necessary, issues will then be appropriately raised with the relevant Directors as required.

**Drugs**

HMPPS takes seriously the ongoing challenges that illicit drugs pose to establishments and continues to implement a range of supply and demand reduction measures to address both the availability and use of such harmful substances. New HMPPS intelligence units are working with establishments and law enforcement partners to develop intelligence on individuals and organised crime groups linked to the supply of drugs in prisons. To deter and disrupt the use of dangerous drugs, HMPPS is the first jurisdiction in the world to have developed a drug test for psychoactive substances which, as of September 2016, was available in all prisons. HMPPS continue to work with its contracted laboratory to analyse data to ensure the most commonly misused substances are tested for.

Following the introduction of the Psychoactive Substances Act (PSA) in May 2016, there have been a number of successful convictions for possession in a custodial setting, including punishments of 14 months imprisonment. In addition to the PSA, the Misuse of Drugs Act 1971 was amended in December 2016 to make all third generation synthetic cannabinoids (a group of psychoactive substances commonly found in prisons) a Class B drug. The amendment to the Act provides another powerful tool to charge those found in possession of psychoactive substances and carries a heftier maximum sentence of 10 years' imprisonment.

There has been a tangible shift in drug use by prisoners at HMP Maidstone from psychoactive substances back to cannabis, as reflected in a spike in positive drugs test results. In response the Governor has implemented, in addition to Mandatory Drug Testing, frequent and suspicion testing to discourage drug use. This is supported by higher adjudication tariffs and immediate referral to drug support services. Alongside these treatments services, HMPPS is working closely with health partners to provide information, guidance and support to prisoners, visitors and staff on the impact and damaging consequences of drugs.

To stem the flow of drugs into HMP Maidstone CCTV has been installed in visits. This is part of a wider initiative including a visits' taskforce providing consistency of staff in this area, use of passive dogs and the redesign of the visitors' centre through flow to improve searching capability. New zonal fencing has also been commissioned to restrict the areas where packages can be thrown over the prison wall and retrieved by prisoners.

## **Foreign National Prisoners**

### *Developing good practice*

The creation of the Immigration Removal Centre (IRC) and Foreign National (FN) Prison Group following the implementation of the new HMPPS structure on 1 April 2017 has already had an impact in helping to focus FN issues across both the IRC and prison estate. Various sub groups are now exploring new options and possibilities, engaging with the Home Office, HMPPS and MoJ, and sharing best practice and knowledge. The Director and Governor will keep you informed of developments as the new structure becomes embedded.

### *Immigration remand warrant (IS91)*

HMP Maidstone hold on average 10-15 detainees held on an IS91. Where detention under immigration powers is necessary, a prison remains a lawful place of detention. Detainees are entitled to remand conditions with the same status and privileges as unconvicted prisoners as per Prison Service Instruction (PSI) 52/2011 – Immigration, Repatriation and Removal Services. As recognised in the Board's report, it would be difficult to reconfigure the prison or regime and HMP Maidstone does not have the resources to run a split regime for the small minority of unconvicted prisoners. However, PSI 52/2011 is applied and for those that decide to stay the prison provides access to a bespoke regime dedicated to the removal of FNs, something detainees would not be able to access in a local remand environment. Where a detainee does not consent to be held with convicted prisoners every effort is made by the offender management unit locally to return them to remand conditions. However, these moves can take time as they are predominantly single person moves.