

Annual Report of the Independent Monitoring Board at HMP Maidstone

**For reporting year
March 2020 – February 2021**

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Introductory sections 1 – 3

1. Statutory role of the IMB

The Prison Act 1952 requires every prison to be monitored by an independent Board appointed by the Secretary of State from members of the community in which the prison is situated.

Under the National Monitoring Framework agreed with ministers, the Board is required to:

- 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
- inform promptly the Secretary of State, or any official to whom authority has been delegated as it judges appropriate, any concern it has
- 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.

The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is an international human rights treaty designed to strengthen protection for people deprived of their liberty. The protocol recognises that such people are particularly vulnerable and aims to prevent their ill-treatment through establishing a system of visits or inspections to all places of detention. OPCAT requires that states designate a National Preventive Mechanism to carry out visits to places of detention, to monitor the treatment of and conditions for detainees and to make recommendations for the prevention of ill-treatment. The IMB is part of the United Kingdom's National Preventive Mechanism.

2. Description of the establishment

2.1 Overview

HMP Maidstone is one of only two exclusively foreign national establishments catering for category C adult men. Almost all of the population are of interest to Home Office Immigration Enforcement (HOIE) who have a team on site. The majority of residents are serving the last year of their sentence and most can expect to be removed from the UK at the end of their sentence, if not before. In 2020 76% of those released were removed from the UK and 24% were released within the UK.

In this reporting year, the longest serving resident has been in Maidstone for three and a half years and 19 others for more than two years. Excluding these individuals and those who stayed for less than three months, the average length of stay was approximately 10 months.

Before the pandemic struck, the operational capacity of the prison was 600. This was reduced to 575 from March to December 2020, but has now been reset to 600.

2.2 Accommodation & facilities

Much of the accommodation is over 200 years old and consists of four wings. Most residents are in single-cell accommodation. There are 18 double occupancy cells on one wing used for the reception of new residents and one double occupancy cell on another wing currently used for single occupancy. There is no in-cell telephony. Hampering both use and repair, some prison buildings have listed status notably a church repurposed as a multi-faith centre. Other buildings include an education unit and library, the healthcare clinic, five workshops and a large recycling unit. An in-house laundry services the residents' personal items. The gardens are well maintained.

The sports hall was condemned in 2017 and has not been replaced. A new sports hall has budget approval with work expected to start in July 2021 and completion envisaged in 2022.

As noted in previous annual reports, staff and residents strive to live in a decent, orderly environment. External areas are well maintained but, while all efforts are made to maintain the buildings, the general state of repair at the establishment continues to give cause for concern and has not significantly improved since our last annual report. There are continual challenges to ensure that the basics of heating, lighting and hot water for showers are available on a daily basis, with both the works department and financial resources under constant pressure.

2.3 Agency support

Primary and mental healthcare services are provided by Oxleas NHS Foundation Trust.

Psychological services are provided by Bradley Therapy Services.

Dental services are provided by Kent Community Health NHS Foundation Trust.

Forward Trust provides substance misuse programmes.

Weston College is the learning and skills provider.

Gov Facility Services Ltd (GFSL) is responsible for the management of maintenance and repair work.

Public Sector Prison Industries (PSPI) provides workshop contracts. Maidstone has a number of prison industries offering locally sourced work including lobster pot construction, a tailor's workshop, Coppermill, which works on recycling cloths, Floplast, which makes plumbing supplies, and a print shop.

Only the print shop has continued to operate during the pandemic and has been staffed solely by instructors. No workshop time in any workshop has been available to residents. The lobster pots workshop has been repurposed as an additional gym space but regime restrictions mean that it has not yet been used as such.

Citizens Advice Bureau (CAB) provides services to the prison community, notably investigating prisoners' property lost outside prisons, CAB has been unable to visit the prison this year but has continued to provide a telephone advice service.

Spurgeons runs children's visits, family days and parenting courses for dads in prison. While Spurgeons has continued to support residents, organised activities have not been possible during the reporting year.

Kinetic Youth Ltd provides mentoring and support services to the Community Council. Kinetic's work has been suspended during the pandemic.

Neither the Shannon Trust who help with literacy nor Beating Time who organise singing activities have been able to visit the prison this year.

3. Executive summary

3.1 Background to the report

COVID-19 restrictions have been in place in society and in HMP Maidstone for the entire period covered by this annual report. This has had a significant impact on the Board's ability to gather information and to validate some information to pre COVID-19 standards. No Board members visited the prison between the first national lockdown in March 2020 and late July. The Board has tried to cover as much ground as it can in these difficult circumstances but inevitably there is less detail and supporting evidence than is usual. Ministers are aware of these constraints. Regular information is being collected specifically on the prison's response to the pandemic, and this is being collated nationally.

All prisons in England have been under the direct control, known as command mode, of Her Majesty's Prison and Probation Service (HMPPS) since March 2020. For the period covered by this report, Maidstone's regime has been directed by HMPPS commanders rather than Maidstone's governor and the usual autonomy of the governor has been restricted. The Board is of the opinion that an early return to local governor control would allow more nuanced decisions to be made, informed by local conditions, which will be beneficial for Maidstone's residents and staff.

The Board has an open and honest relationship with the governor and her senior team, which results in issues brought up by the Board being carefully considered and responded to. The pandemic has placed extreme pressures on prison management and staff and remote working by the Board has required that more information than ever be provided by the prison. Despite the challenges, information sharing has been maintained and relationships remain good.

Throughout this report the term 'residents' is used to denote prisoners resident in HMP Maidstone and the term 'prisoners' is used when referring to the prison population in all establishments.

3.2 Main judgements

How safe is the prison?

HMPPS' policy to transfer prisoners from prisons with COVID-19 cases to prisons without cases, without effective testing at the origin prison, was, and at the time of writing remains, an obvious route to spread infection to residents, transport and prison staff. The Board urges HMPPS to amend testing and transfer procedures to better assure COVID-19 security.

In addition, the delay in HMPPS directing the wearing of face masks within establishments at a time when coverings had been mandated in the community and

also for Home Office staff in prisons, is difficult to understand. As well as the health and safety concerns raised, this caused coordination issues between the prison and prison-based Home Office Immigration Enforcement (HOIE) staff, who were under Home Office instruction to wear face masks. A period of stand-off and inaction resulted, directly impacting on HOIE service to Maidstone residents. This was not resolved until HMPPS changed its face mask policy in October 2020.

It is however the Board's view that HMP Maidstone is otherwise a safe prison. The Board judges that the prison is well run, that residents, for the most part, enjoy a good relationship with staff and each other and that violence continues to remain at a low level.

How fairly and humanely are prisoners treated?

In February 2021 Her Majesty's Inspectorate of Prisons (HMIP) reported concerns over the adverse impacts of locking UK prisoners in their cells for 22 hours or more every day. There have been significant issues reported across the prison estate as a result of COVID-19 restrictions impacting residents' mental and physical wellbeing.

The restrictive regime operating throughout the prison estate cannot, in the Board's opinion, constitute fair and humane treatment, is problematic for health and wellbeing, and provides few opportunities for rehabilitation. Maidstone staff have, however, endeavoured to help and support individual prisoner needs within the constraints of this regime. Even when there have been significant COVID-19 related staff shortages, prison officers have striven to deliver a fair and humane experience.

A significant concern of the Board is the reduced level of contact that Maidstone's foreign national residents have had with HOIE during the pandemic and the service they receive from the Home Office. The community council and chaplaincy cite this as a major cause of stress and anxiety leading to self-harm and other negative behaviours by some residents. The number of detainees held under IS91 (authority to detain under immigration powers) provisions has significantly increased and more needs to be done to improve this situation. The Board considers it essential that HMPPS and HOIE work better together to ensure that these issues are addressed and not allowed to worsen.

How well are prisoners' health and wellbeing needs met?

As we report in section 6, the range and availability of health services has been adversely affected by the restrictive COVID-19 regime and COVID security measures. With the exception of dental services which were completely unavailable for a period, other primary and mental healthcare services continued to be provided as far as possible but restricted mental health services have adversely affected some residents.

The Board considers however that prison and healthcare staff have continued to make health and wellbeing a focus of attention particularly for vulnerable residents and that, within the limitations imposed by the pandemic, they have endeavoured to meet the health and wellbeing needs of residents.

How well are prisoners progressed towards successful resettlement?

COVID-19 has severely impacted on resettlement efforts. All training and education opportunities ceased in March 2020 and have not yet restarted, and the resettlement team has been restricted in its ability to interact with residents.

Most of Maidstone's foreign national residents are of interest to the Home Office and destined to be removed from the UK, but this reporting year flights from the UK have been limited, restricting exit opportunities. The suspension of transfers to Immigration Removal Centres (IRCs) and a reduced HOIE service to Maidstone residents further reduced opportunities for exit and resulted in end of sentence plans for many residents being incomplete or disrupted and the number of IS91 detainees increasing.

3.3 Main areas for development

TO THE MINISTER

Support to implement effective collaboration between HMPPS and HOIE so that communication and end of sentence management for foreign national prisoners are improved, the number of IS91 detainees is reduced and these detainees are no longer held in closed prisons. See sections 3.2 and 7.3.

Work with the Home Office to ensure that HOIE documents required to be signed by foreign national prisoners and detainees are provided in languages they can fully understand. Current practices may be contrary to the Equalities Act. See section 5.4 paragraph 7.

Support the restoration of local governor control of establishments. See section 3.1.

Finance appropriate technology services for IMBs as suggested by the IMB Secretariat. See section on the work of the IMB.

TO THE PRISON SERVICE

Urgently review prisoner transfer and testing processes so that prisoners are not transferred until they have first been properly COVID tested. See section 3.2.

Develop a more integrated relationship with HOIE to ensure fair and humane treatment for foreign national prisoners and their families through improved communication and end of sentence management. See sections 3.2 and 7.3.

Review the education contract with Weston College, the current provider, to ensure faster and more effective responses to the needs of foreign nationals. The lack of translated educational materials may be contrary to the Equalities Act. See section 7.1.

Support better translation facilities for foreign nationals. See section 5.4 paras 4-6.

Negotiate with suppliers to lower international telephone and video call charges for foreign nationals. See section 5.4 paragraph 8.

Prioritise the provision of improved infrastructure including in-cell telephony and upgraded internet bandwidth at Maidstone so that residents have more opportunities to communicate with family and support agencies. See sections 5.1 and 7.4.

Develop systems to solve the longstanding issue of property being lost on transfer between prisons. See section 5.8.

Exit command mode as soon as possible. See section 3.1.

TO THE GOVERNOR

Work with HOIE management to improve communications and end of sentence management for residents who face removal from the UK.

Seek budget for the early implementation of in-cell telephony and better internet bandwidth.

Ensure consistent availability of Samaritans phones and better use of mobile PIN phones.

Improve CCTV implementation to provide better coverage.

Restart residential governor wing surgeries as soon as possible.

Continue to improve keywork engagement.

Address the unresolved issues surrounding Muslim prayer facilities highlighted in last year's report.

4 Progress since the last report

Main areas for development	Improvements
<p>TO THE MINISTER</p> <ul style="list-style-type: none">• Deliver on the promise made in the reply to last year's annual report, to move the segregation unit.• Linked to the above point, make ring-fenced funds available for specific projects and complete these within realistic timescales – for example, the sports hall and showers.	<p>Installation of new CSU cells away from the segregation unit is in progress.</p> <p>Finance approved for a new Sports Hall due in 2022 and for shower improvements, date to be confirmed.</p>

<ul style="list-style-type: none"> • Work with HOIE to improve the process surrounding the outcomes for foreign national prisoners by improving communication and timescales. 	<p>No improvement. Problems have worsened</p>
<p>TO THE PRISON SERVICE</p> <ul style="list-style-type: none"> • Implement the move of the segregation unit cells. • Support local managers to reduce staff absence. • Publish a firm plan to offer more sports facilities while there is no sports hall. • Improve the system and process for a reduction in prisoner lost property. 	<p>Installation of new CSU cells away from the segregation unit is in progress.</p> <p>No known action.</p> <p>Disrupted by COVID-19.</p> <p>A review is underway.</p>
<p>TO THE GOVERNOR</p> <ul style="list-style-type: none"> • Resolve the issues surrounding Muslim prayer facilities. • Consolidate relationships with prisoners through the community council and wing surgeries (see paragraph 7.2). • Work to reduce staff absence and implement offender management in custody (OMiC) effectively (see paragraphs 3.7 and 7.4). • Review and improve the prison complaints system (see paragraphs 7.13 and 8.5). • Work with the new senior management team to maintain support to staff, and acknowledge, implement and maintain good working practices throughout the establishment (see paragraph 3.8). 	<p>On hold as a result of COVID-19.</p> <p>Meetings with community council continued except during Maidstone's COVID-19 outbreak. Residential governor wing surgeries operating before COVID but subsequently ceased.</p> <p>Disrupted by COVID-19. OMiC review underway.</p> <p>Improvements made.</p> <p>Good progress. Work ongoing.</p>

<ul style="list-style-type: none"> ● Introduce and implement educational packs (see paragraph 9.3) 	Some progress limited by COVID-19.
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Evidence sections 4 – 7

4. Safety

4.1 Reception and induction

Due to limited IMB monitoring in prison this year, the information below is as reported to the Board by the prison security team. The Board did not however receive any applications this year relating to reception or induction problems other than for lost property and our previous experience has been that reception and induction was managed professionally and with care pre-pandemic. The HMIP short scrutiny visit report of June 2020 noted that Maidstone’s reception processes were sound and that new arrivals were “particularly positive about how they were received by reception staff.”

Initial screening at reception is reported to include a rub down and electronic detection for metal objects with a full search carried out if indicated. Checks are made for safety issues such as a history of self-harm, for dietary and vaping requirements and any other specifics noted on the Prisoner Escort Record (PER).

The quality of PERs is reported to be variable but with refreshments and comfort breaks regularly recorded along with checks by the escorting staff on those being transported.

Healthcare conduct an initial screening in a dedicated office at reception with a follow up screening taking place in the Healthcare facility within 72 hours of arrival. New arrivals should receive any prescribed medical treatments on the day of arrival.

Vulnerable and at risk prisoners, including those with language, dietary or religious needs, are identified through a combination of scrutiny of records and an interview with each new arrival. The first night and early day processes continue the screening process involving peer workers, a dedicated first night officer and staff on a wing in which all new arrivals are initially housed.

The pandemic has restricted induction arrangements but the Board understands that peer workers and staff on the wing dedicated to new arrivals engage to inform new arrivals of local conditions, arrangements and services at Maidstone.

4.2 Suicide and self-harm, deaths in custody

In early March 2020, during the first UK lockdown, there was sadly one apparent self-inflicted death in custody which the Prisons and Probation Ombudsman is

investigating. A second apparent COVID-19 related death in custody occurred in January 2021 in hospital.

A severely restricted regime operated throughout the reporting period with residents usually unlocked for two 50-minute sessions Monday to Thursday, 50 minutes on Friday and for two 45-minute sessions on weekends. While most residents seem to have accepted and coped with the restrictions, there have been worrying behaviours, including self-harm, by some.

Reduced engagement by HOIE with residents on wings for much of the reporting period has been a trigger for negative behaviours including self-harm. This is noted in section 3 of the report as an issue needing ministerial and HMPPS attention.

In 2020 there was an overhaul of the safer custody process. New guidelines have been issued to staff and improved monitoring has been introduced covering documentation and processes around the planning and implementation of individual care plans and the identification of trends and effective responses, such as identification of residents self-isolating for reasons other than COVID-19.

The number of assessment, care in custody and teamwork (ACCT) documents remained low averaging six per week for most of the reporting year before rising to an average of 10 per week between December 2020 and February 2021. The main reasons for ACCTs were identified as: the COVID-19 restricted regime; immigration issues such as delayed ERS (Early Removal Scheme for foreign national prisoners) and cancelled flights; not wishing to be in a foreign national prison and delays to or lack of GP and dental appointments. Management focus on ACCT completion, quality and post-ACCT closure reviews has had positive results.

A staff focus has been engagement with individuals considered at risk, including those self-isolating. Self-harm continues to be an ongoing problem with 219 incidents recorded in 2020 compared with 154 in 2019. This is however within the context of a small group of prolific self-harmers with one individual accounting for 30% of the recorded 2020 total.

Lack of family contact opportunities has been noted by the community council as a major cause of stress and anxiety for residents and a probable trigger for negative behaviour such as self-harm. With no in-cell technology and limited time out of cell, much or all of the time can be spent waiting to contact family. A maximum call time of 15 minutes was introduced to try to maximise the opportunity for each prisoner to make a call. Fourteen extra mobile handsets were provided during 2020 but these were not promptly deployed. They were subsequently allocated to symptomatic and self-isolating residents and are currently available to residents on the reverse cohort unit, which are cells reserved for the temporary separation of newly received prisoners.

Access to Samaritan phones has been patchy and access to Listeners was initially limited by the COVID-19 regime as movement from wing to wing was stopped. Listeners are prisoners who volunteer and are trained by the Samaritans to offer

confidential emotional support fellow residents. The number of Maidstone Listeners was then depleted due to transfers out of Maidstone and the Samaritans being unable to visit to train new volunteers. At the time of writing, there are no trained Listeners in Maidstone, a situation which will not be remedied until the Samaritans are able to return to the prison.

4.3 Violence and violence reduction, self-isolation

Maidstone is viewed by the vast majority of residents, by staff and by the Board as a safe environment. Care is taken to allocate individuals to appropriate wings to reduce the possibility of gang formation, bullying and negative activity surrounding ethnic origin. Whenever possible, individuals are accommodated with access to others speaking the same language or of the same ethnicity.

Challenge, support and intervention plans (CSIPs) were suspended in March 2020 and remained so at February 2021 although the prison plans to restart CSIP shortly. The number of violent incidents remained low averaging 10 per month, consistent with the previous two years. Most were of a minor nature with assaults on staff dominated by a few individuals who were non-compliant while being relocated to or while in the segregation unit. There were no incidents of concerted indiscipline, this being an incident of organised, major disturbance.

4.4 Vulnerable prisoners, safeguarding

There is no separate accommodation for vulnerable residents at Maidstone. Individual needs are assessed by multiple prison teams and vulnerable residents live on normal wing locations, with support if necessary. During the COVID-19 outbreak among Maidstone residents, specific accommodation was allocated for those medically shielding.

4.5 Use of force

The number of recorded incidents of use of force (UOF) increased from 137 in calendar year 2019 to 244 in 2020. Unplanned UOF interventions, usually in-cell or at cell doors, account for most interventions during the pandemic, indicative of the stress of the restrictive regime. During the reporting period, batons have only been drawn once and PAVA spray has not been used. The Board is informed of serious incidents, most of which are individuals jumping onto the netting. The Board's monitoring indicates that recorded use of force has been appropriate and correctly implemented. The quality of incident reporting and the equipment used for recording incidents has been improved this year.

4.6 Substance misuse

Due to limited IMB monitoring in prison this year, the information below is as reported to the Board by members of the prison security team.

The number of reported incidents of residents appearing to be under the influence of illicit substances in 2020 suggests that these have become more available within the prison.

Spice is the most prevalent illicit substance. The most common means of entry for illicit items are that they are thrown over the prison walls and, additionally for spice, sent into the prison from outside on infused paper.

In order to counter the entry of illicit items, all incoming items for residents are swabbed prior to issue, Staff are made aware of potential and common throwover areas and likely times for throwovers, and wall patrols have been increased with varied timings.

The Board notes that in February 2021, intelligence led testing was resumed, one of the targets of which is to counter the entry of illicit items. We also note that drug debt is acknowledged by the prison to be a problem but no data on the scale of this was available to the Board.

5. Fair and humane treatment

5.1 Accommodation and Food

Much of Maidstone's accommodation is over 200 years old and requires the continued efforts of prison management and GFSL to ensure that heat, power and water are consistently available.

Housing is mostly in single-cell accommodation. During the pandemic, a prison priority has been to ensure that residents live, and staff work, in a COVID secure environment. Work included the establishment of a reverse cohort unit, shielding units and protective isolation units. Wing cleaning has concentrated on COVID-19 essential work and wing cleanliness is reported to be as good as possible given regime restrictions. The Board observed, on the few occasions this year when visiting wings was possible, that wing cleanliness was good.

The restrictive regime this reporting year has highlighted how essential in-cell telephony is for contact with residents. The only opportunities Maidstone residents have to contact family are in their limited unlock time, which a community council representative reports can be entirely spent queuing for shared PIN phones, a possible vector for the spread of infection. Without in-cell telephony, support agencies, administration staff and IMB members who have not been able to visit wings have been unable to contact residents to assess individual and group welfare.

A Board concern has been that CCTV does not provide full prison coverage. On one wing for example, the entrance door is not in line of sight of the wing office and, on all wings, some landing areas are out of sight. We understand that prison

management is now exploring with GFSL the further use of CCTV to address these issues.

The Board noted in last year's report that there were no showers on Medway wing landing 3 and that, while efforts were continually made to maintain the cleanliness of shower facilities, the condition of shower rooms on all wings was very poor. This situation has continued through this reporting year but funding has now been provided for a prison-wide shower refurbishment, including the installation of showers on Medway landing 3. At the time of writing, the work is yet to be scheduled.

Funding has also been approved for remedial work to Medway wing's roof but this is not expected to take place until 2022. Prison management is seeking to expedite the work.

Despite pandemic priorities, some residential improvements have been made including curtains for more cells, the opening of new key worker interview spaces and Prisoner Information Desk rooms and some repainting work.

As far as we are able to determine from limited resident feedback and the few food related applications to the IMB, the food provided at Maidstone continues to be of good quality and prepared to high hygiene standards.

5.2 Segregation, special accommodation

New leadership of the combined segregation unit and care and separation Unit (CSU) in 2020 and the continued professionalism of staff resulted in residents being treated with respect and care. Individuals are returned to wings with agreed ongoing plans and we have observed improvements to process management and paperwork completion since our last report.

Every effort is made to move residents out of the unit with individuals monitored and stays usually short. When staff shortages due to COVID-19 were severe, the segregation unit was occasionally closed and unit staff deployed to wings to allow residents' time out of cells to be maintained.

Attendance by required parties at reviews and adjudications is reported to have improved in this reporting period. Although not always successful, use of the Big Word translation service does occur. On the few occasions members were able to attend ACCT reviews and adjudications this year, we observed them to be conducted professionally and with care.

There are two Constant Supervision cells and two special accommodation cells located within the segregation unit. The special accommodation cells are rarely used.

A commitment was made in 2020 to move the CSU cells out of the segregation unit and this work is nearing completion. However, as the CSU cells remained within the segregation unit for all of this reporting year, extra pressure was placed on staff having to deal with very vulnerable individuals in inappropriate accommodation.

There were a number of residents identified as being in need of transfer to other prisons or mental health establishments. Due to the lack of availability of suitable places, this was not achieved in a timely manner with one individual residing for 44 days in the CSU until offered a place in a secure mental health unit.

As was the case last reporting year, apart from reading and puzzle books, there is little or no provision of educational or recreational material and no gym or exercise facilities are routinely available other than regular access to an outside yard. Showers and telephone access are readily available.

5.3 Staff-prisoner relationships, key workers

COVID-19 related staff absences have tested Maidstone's ability to continue to support two periods of unlock per day for every resident while maintaining wing safety, security and decency, and staff are to be congratulated for coping with the complex and demanding landing-by-landing unlock regime. Despite the restrictive regime, tedious for both staff and residents, the relationship between residents and staff as reported by the community council, has, with some exceptions, remained good for which staff and residents are to be commended.

Except during the COVID-19 outbreak among residents, management liaison with the community council continued throughout the year and, while the residential governor wing surgeries were suspended, surgeries by business hub staff to discuss finance and other administrative issues were newly introduced in 2020 and have been well received and helpful, according to the community council.

Key work was stopped when the pandemic struck but was reintroduced in April 2020 for vulnerable residents. Staff shortages however made it difficult to achieve the target sessions until recently. In February 2021 key work schedules were reset to target one session per week for vulnerable residents and one per month for other residents. Session numbers have increased from 40 in December to 135 in January and 297 in February. The Board applauds prison management and staff for their focus on vulnerable residents and key work efforts in difficult circumstances.

5.4 Equality and diversity

The prison houses approximately 86 different nationalities. Ten nationalities account for 60% of the residents and the remainder are each represented by nine or fewer residents. For security reasons, the prison attempts to limit the predominant nationality to a maximum of 90 individuals but this number is sometimes exceeded. Residents who only have one or two other compatriots in the prison are consulted on wing location to minimise isolation.

The prison has a part-time diversity and inclusion (D and I) manager supported by a full-time officer and part-time clerk. Four peer workers normally represent the wings but this has been limited to two during the pandemic. Peer workers distribute information and education packs and help prepare cultural awareness booklets. An equalities action team meets every two months to present data to inform management priorities and action. Data correlations regarding use of force and adjudications do not suggest any disproportionality of outcome for Board attention. All new policies and programmes introduced to the prison undergo an equality impact analysis.

The D and I team obtain information for new arrivals from reception and on first night paperwork which is recorded on national offender management information system (NOMIS). Information collected includes protected characteristics as well as language abilities and literacy skills. The information is used to assess written or verbal translation needs and subsequently to inform reviews and adjudications.

In November 2020, of 545 residents, 480 spoke English but 97 needed assistance with verbal or written translation. Of the 24 languages spoken by current residents, several, including Farsi and some Chinese and Spanish dialects, cannot be specified on NOMIS. The D and I team are actively lobbying for the NOMIS languages list to be extended. Written translations of resident information are only readily available for 10 languages.

The Big Word translation service is used on the wings, in adjudications and by healthcare but not always satisfactorily because of a lack of skilled translators in some languages or dialects. Much written information, notably notices to residents (NTRs), is not translated because of cost and turnaround times.

Home Office documents are only available in English and, as a consequence, some residents are expected to sign Home Office papers which they cannot read. The D and I team are aware of this apparent infringement of human rights but cannot resolve the issue without administrative and budgetary support from HMPPS and cooperation from the Home Office. The impact of this was exacerbated this reporting year as the restrictive regime meant that residents were often unable to associate with compatriots for help with translations.

The D and I team have presented information on regime changes, well-being and cultural events on the TV media channel and has provided in-cell packs for those unable to read such as off-cut sheets from the prison print shop for origami. Tai-chi and yoga were promoted as activities but were only available until COVID-19 cases arose among residents in November. The lack of sports facilities and gym access is regrettable.

Charges for international phone calls are high, examples being 20/22p per minute for European calls and 49p per minute to Lithuania and Somalia. Residents without UK

contacts are disadvantaged by these charges with family relationships and resettlement plans impacted.

During the reporting year, one Discrimination Incident Report Form (DIRF) was referred to Pathfinder (an extremism prevention programme) and one was not proceeded with due to the deportation of the submitter. Of the 30 issues investigated in 21 DIRFs, 14 were about race discrimination and 11 about gender or orientation discrimination. Twelve DIRFs were upheld, including 8 of 12 about staff on prisoner, 2 of 10 about prisoner on staff and 2 of 2 about staff on staff. A further 45 DIRFs were rejected as they did not cite discriminatory behaviour. The Board notes that it is the practise to convert these to Complaints and refer them elsewhere when appropriate. Maidstone DIRFs have been quality checked during the year and commended by a Citizens Advice Bureau volunteer.

The Board considers that the D and I team has worked conscientiously to gather data on protected characteristics, improve cultural awareness and reduce disadvantage to those with limited English language skills.

5.5 Faith and pastoral support.

Nine main religions are followed by 92% of the prison population: Muslim (37%), Roman Catholic (22%), Christian including C of E Anglican (18%), Eastern Orthodox (7%), Hindu (2%), Sikh (2%), Rastafarian (2%), Buddhist (2%). Five percent listed no faith.

The pandemic curtailed visits from most chaplaincy faith leaders so there was exceptional pressure on the lead chaplain and imam, who continued to visit the prison throughout the reporting year. They have provided religious support including weekly cell visits, the distribution of reading material in a variety of languages and individual chapel visits or pastoral support as required. Without the option of group worship, the TV media channel has been used to show videos from faith leaders. The Board considers that the chaplaincy has been fully committed and achieved a commendable level of engagement with residents in very difficult circumstances.

5.6 Incentives and earned privileges (IEP)

At the start of the pandemic, HMPPS directed that all prisoners on basic status be raised to standard status and basic continues to remain unused. The Board received no applications in the reporting year relating to IEP and only five IEP complaints were logged. This is perhaps explained by the reduced time out of cell and limited work opportunities available. While it is reported that some staff would like the return of demotion to basic as a sanction, the Board has seen no evidence that its lack has negatively impacted compliance or discipline.

5.7 Complaints

The Board notes that the recording of and timely responses to complaints was a management focus this year and that both of these appear to have materially improved. Reports from the community council indicate that there may however have been some recent degradation in timely responsiveness. In 2020, 923 complaints were recorded of which 190 were confidential access complaints which are not categorised. Of the remainder, the top three complaint categories were property, finance or cash, and immigration issues.

5.8 Property

The Board has reported in previous years the seemingly intractable problem of property belonging to new arrivals not being transferred with them or being lost and no improvement has again been observed this year. This is a problem which Boards report across the prison estate.

The Maidstone Board received seven applications related to property within the establishment this reporting year, many about access to prohibited items rather than about loss. There were 165 residents' complaints to the prison about property in 2020 and we note that 132 of the total number of complaints received were redirected to other establishments which may indicate that many or most property complaints were about property not being transferred. The Citizens Advice Bureau assists residents with property lost outside the prison and, while the Board understands that they have continued to provide help, they have been unable to visit the prison during this reporting year.

The issue of lost property is particularly difficult for Maidstone's population of foreign nationals most of whom are serving the last months of their sentence before being removed from the UK. Lost paperwork can result in them being unable to properly progress legal cases or having to leave the UK without required paperwork. This problem is not therefore just a nuisance but materially impacts on their fair and humane treatment.

6. Health and wellbeing

6.1 Physical healthcare

Oxleas NHS Foundation Trust is primary and mental healthcare provider. Dental services are provided by Kent Community Health NHS Foundation Trust.

The pandemic has meant that the Board has had to rely on healthcare information reported to it with less opportunity for validation than would normally be the case.

The HMIP short scrutiny visit in June 2020 reported that healthcare was well organised, governance arrangements were sound, and collaboration and partnership

between all stakeholders was effective and supportive. The inspectorate also found that the healthcare team continued to provide services during the pandemic, including screening, urgent hospital escorts, dispensing of medication and a daily triage allowing prisoners to be seen by a nurse or GP. The healthcare manager has reported that staffing levels have been managed using both permanent and supply staff. This compares favourably to the Board's finding in our previous annual report where concern was expressed around staffing levels. GP, optician, genitourinary medicine, sexual health, and bowel screening clinics have continued but podiatry clinics have not been available. The waiting time to see a GP was, as of February 2021, a couple of days.

The June 2020 HMIP short scrutiny visit noted that the prison had not communicated the revised national guidance on emergency response processes. We are pleased to see that this has now been done.

There has been a reduction in the number of residents attending outside hospital visits during the pandemic. The reasons reported by healthcare staff include the reluctance of prisoners to go, lack of prison staff to escort prisoners, and non-urgent outside hospital clinics being suspended.

Healthcare complaints data is not gathered by Oxleas. However, they did report that the main areas of complaint have been around delays in prescribing and dispensing medication to residents and logistical difficulties getting them to and from the healthcare unit because of regime movement restrictions. Community council representatives have noted that delays in accessing medication and changes in the timing of its dispensing have caused difficulties for some residents.

Provision of dental services suffered because of national COVID-19 guidelines. We are informed that attempts were made in March to facilitate a triage system for residents experiencing severe dental pain leading to a dentist speaking to the resident on the wing. We are also informed that, although this had some success, the lack of in-cell telephony was a problem as residents were often not permitted to talk to the dentist. On-site doctors were however helpful and would prescribe in the dentist's absence if indicated.

From September, the dentist has been in two days a week for four sessions with patients prioritised for treatment via a red, amber, green (RAG) classification. Access to appointments is restricted as residents attending each session need to be from the same wing, ideally the same landing, and numbers attending each session are limited because of the waiting room capacity in healthcare. The dental case backlog was 34 in February 2021.

We are informed that there has been a good supply of PPE available to both healthcare staff and attending residents throughout the reporting year. Residents with confirmed COVID-19 are required to isolate in their cells for a minimum period

of 10 days. If then symptom free, healthcare perform a check before the resident can leave isolation.

The HMIP short scrutiny visit of June 2020 noted that one medically vulnerable resident resided in the segregation unit for nearly three months because of the lack of other suitable accommodation. While the prison reports that the resident was content to shield there (the Board was not visiting at that time), HMIP noted that 'Although he was coping well, there were no regular, recorded multidisciplinary reviews to ensure oversight of this decision'. At the time of reporting, we are informed that residents classified as COVID-19 vulnerable now shield on their wings and are offered additional support including COVID-19 tests, health checks, and the dispensing of medication. Officers inform healthcare of any concerns and drug reviews take place.

By February 2021, the prison had undertaken two COVID-19 non-mandatory mass testing exercises for residents. The second exercise saw a higher number of residents refusing to undertake a test than in the first, with 306 prisoners participating compared to 433 in the first round. There is no data available as to why the number declining the test increased from 86 to 162 over the two exercises. Anecdotal evidence suggests however that prisoners did not wish to enter a period of 10-day isolation if tested positive and that there was a high level of suspicion over the validity of the test.

Polymerase chain reaction (PCR) testing became available in the prison in November 2020, with lateral flow testing commencing in February 2021 for staff only. A total of 55 positive PCR tests among staff and 133 positive tests among residents were reported, of which 116 were asymptomatic. There has been one resident death reported to be COVID-19 related.

As a consequence of the restricted regime with more time spent indoors, residents have been offered Vitamin D supplements, free of charge, on a quarterly basis. This is welcomed by the Board as Vitamin D has been recommended for the black, Asian and minority ethnic (BAME) community to bolster immunity and Maidstone has a significant number of BAME men within the prison population.

6.2 Mental healthcare

Oxleas in-reach provides mental health services and psychological services are provided by Bradley Therapy Services (BTS). At the time of writing there are 31 residents allocated to practitioners. A psychiatrist continues to attend the prison one day a week.

At the time of reporting, BTS is not accepting new referrals or offering one to one or group work for psychological interventions but is providing regular checks for individuals on its caseload, is supplying in-cell packs and attending ACCT reviews.

At the beginning of the pandemic, in-reach staff levels were reduced by 75% because of staff shielding, with the shortfall covered by staff from another establishment. For a period, only urgent cases were progressed and ACCT and good order or discipline (GOOD) reviews were attended by in-reach. We are informed that staffing levels have now returned to normal.

In-reach reports that COVID-19 slowed the transfer of inpatient department (IPD) referral prisoners as the IPDs of choice, at HMP Elmley and HMP Swaleside, have been COVID-19 outbreak sites. Transfers have also been slow because of the ongoing and longstanding problem of bed availability.

6.3 Social care

There are no formal occupational therapy provisions in place and any social care needs are managed by the prison, supported by Kent County Council on an individual basis. There have been no residents requiring end of life care during the reporting period.

6.4 Exercise, time out of cell, gym

In order to contain the transmission of COVID-19, the gym has been closed for the period covered by this report. At times during the year when the regime allowed it, residents have had access to the sports field for individual exercise sessions of 30 minutes. No indoor exercise, use of weights or cardio-vascular equipment has however been available with consequent concerns for the physical and mental wellbeing of residents.

The prison has been operating under regime level 4 since November 2020 with each resident receiving on average 10.5 hours out of cell per week and activities limited to domestics, telephone calls and same-landing association with no on-wing activities.

When the prison was operating under regime level 3 during the summer and early autumn of 2020, residents had access to activities such as tai-chi, yoga and religious studies, as well as off-wing open air exercise. These activities became more limited as the year progressed and level 4 regime restrictions were reintroduced. At times, when the number of residents' COVID-19 cases was high, additional regime restrictions were in place in an attempt to control transmission, further limiting time out of cell, with access to showers and other domestics not always possible.

6.5 Drug rehabilitation

The Forward Trust provides substance misuse services. In January 2021 there were a reported 59 residents in structured treatment and 13 residents not in structured treatment, that is not requiring support but still engaged in the service. Psychoactive substances, notably spice, are predominant.

Before the pandemic, individuals were assessed within three days of a referral. This year, referrals have not always been assessed within three days due to the restrictions on unlocking residents and the limited availability of safe social distancing spaces on wings. When COVID-19 case numbers rose in November 2020, Forward Trust staff were asked not to go onto wings and cases since then are mostly outstanding. However, at the time of writing, Forward Trust staff are back on the wings and working on these cases.

The necessity to escort prisoners in separate bubbles means that medicating clinical clients can currently take up to four hours instead of less than one-hour pre-pandemic. Residents who are self-isolating have to have their medication taken to them.

Psychosocial interventions group work was stopped in March 2020 but, where possible, residents have been offered one to one support. In-cell activities including distraction packs, paper dominoes, sewing sets and card making packs are also being provided.

Because of regime restrictions, outside organisations such as the Hepatitis C Trust, Alcoholics Anonymous and Narcotics Anonymous have not been able to come into the prison during the reporting period. Forward Trust, working within the prison, have however maintained contact with these organisations and have provided their literature and information to clients.

6.6 Soft skills

A number of outside agencies and organisations normally provide soft skills such as music and creative arts opportunities but all these were curtailed this reporting year because of regime restrictions.

7. Progression and resettlement

7.1 Education, library

Education, training and employment constitute one of the seven key pathways in the national reducing re-offending delivery plan. As a consequence of the pandemic there has been no classroom-based education this reporting year. Courses currently being delivered are unaccredited and are therefore not meeting the annual delivery plan (ADP). Thus far the performance against planned ADP is at 21% (136 against 642 planned).

There has been a poor response to the needs of foreign nationals from the education provider, Weston College. Education in the prison has suffered and learners are not progressing. A major concern has been the lack of translated materials available for foreign national prisoners, many of whom have a limited grasp of English. The Board considers this deplorable and unfit for purpose. While unaccredited education packs were created, the initial pack offered was no more than a glossary of prison terminology in a range of languages. The failure of Weston College to develop translated materials despite repeated requests by the prison has had a detrimental effect on the uptake of packs and progression by learners against identified needs. The graph below indicates the range of languages and number of residents needing translated materials in November.



In-cell education packs encompass a range of ability levels in the following subjects: barista, brickwork, catering, construction skills, English, English as a second or other language (ESOL), maths, and peer mentoring. Recent data shows 204 residents enrolled, 40 of whom were withdrawn for a variety of reasons, revealing that only 30% of residents were using the packs. As shown in the table below, the completion rate of the packs is also low despite the prison authorising a £5 pin credit bonus as an incentive to learners who complete a course of packs.

Pack data	Delivered	Returned	% Return
October	47	26	55
November	67	33	49
December	20	13	65

There are currently low numbers of pack returns across all subject areas. Monthly data provided by Weston College shows that in November there were 61 new

starters but this decreased to 29 in December. Available project packs include: origami, foods around the world, in-cell workout and newsletter packs. Distraction packs have been produced and are welcomed by the residents. Enrolment forms for the various courses were finally, in February 2021, translated into the five most common languages of the population.

Since March 2020, peer mentors have been unable to meet learners because of regime restrictions. However, the Shannon Trust has developed new material for new reading plan mentors which consists of an audio CD with an accompanying learning support book. Rocketeer Enterprises, one of the prison education dynamic purchasing system (PEDPS) suppliers, has provided promotional and digital learning packs as well as accredited certificates to residents and their material has been particularly praised by community council representatives. Other organisations have also provided digital materials, all of which have been very well received by residents.

At the beginning of March 2020, seven learners were registered with the Open University and one learner was studying through the Prisoner Education Trust (PET).

At the start of the pandemic, each residential wing already had a selection of approximately 50 books. As no library staff were on site from March 2020 and residents' access to the library was curtailed other than for peer workers, the number of books on wings was increased. Since the return of on-site library staff in July 2020, provision and access has improved and residents can once again request books and a DVD via a general application.

7.2 Vocational training, work

Work and activities

Work, vocational activity and employment are an important part of prison strategy to reduce reoffending. They aim to offer opportunities to gain skills and qualifications to improve employment prospects upon release.

The restrictive regime during this reporting year has had a dramatic impact on both work opportunities available and the number of men able to participate. Since the beginning of the lockdown in March, workshops and externally provided activities for residents have almost all ceased functioning. Without purposeful activity, the men who normally work or go to education can struggle with the lack of social stimulation affecting mental wellbeing.

Services classified as essential, including the laundry, kitchens, waste management, cleaning and gardening, have continued to operate, but no residents have worked in the laundry or the print shop. Residents who volunteer their services are allocated to the other available work. For off-wing services, men are allocated on a rotational basis which enables more residents to participate in the work available. Kitchens have been manned by kitchen staff plus shifts of residents, each shift being from the same wing bubble.

The work allocation at February 2021 is as follows:

Kitchen: 15 spaces per session (60 residents in total on a sessional rotation)

Waste Management & Gardening: 15 residents servicing both areas

COVID-19 wing cleaners/hotplate: six on each wing (24 in total)

PID (prisoner information desk): one on each wing (4 in total)

Orderlies: segregation x 1, reception x 1 and admin x1 (3 in total)

Peer worker allocations:

- two media workers
- two equalities workers
- two induction workers

7.3 Offender management and progression.

It is the Board's opinion that the offender management unit (OMU) has functioned well during the reporting year despite staff absences due to COVID-19 and changes to the management team. There are good communication links between OMU, resettlement and probation services. The new P4R (preparation for release) document is reported to have facilitated a systematic approach in the pre-release period and an OASys (offender assessment system) backlog has been successfully reduced from 144 at the start of the reporting year to 36 at February 2021.

Application for release on temporary licence and home detention curfew are made but rarely granted, usually because the resident is considered a risk by the Home Office. This also applies to re-categorisations from C to D and to residents held under IS91 who have completed their sentence but remain in prison, under a prison regime, with no agreed end date.

Before the start of the pandemic in 2020, there were an average of 12 IS91 detainees held each week at Maidstone. Impacts of COVID-19 included reduced opportunities for transfers to IRCs (immigration removal centres), a lack of flights, and reduced HOIE engagement with detainees. These have resulted in the number of IS91 detainees continuing to increase, to 31 by the end of 2020 and 45 at the end of February.

As we have noted in previous annual reports, the Board deems it inappropriate that, once sentence is served, detainees continue to be housed in a closed prison and the increase in the numbers of detainees in Maidstone is a serious concern.

COVID-19 has had an adverse impact on the service provided to residents by HOIE. Maidstone OMU reports a lack of engagement by local HOIE managers who ceased to attend the prison in March 2020 and, at the time of reporting, we are told have yet to return. Maidstone-based HOIE staff continued to serve papers to residents for

most of the reporting year, but did not, for much of the year, otherwise engage with residents to progress cases. It is reported that prison staff were at one stage issuing Home Office paperwork to residents, which is not their responsibility.

HOIE service to Maidstone residents was impacted by incompatible instructions on face mask wearing in force in 2020. HMPPS directed prison staff not to wear face masks while the Home Office directed HOIE staff to wear them. This resulted in a period of standoff and inaction only resolved after HMPPS face mask instructions were reversed in October 2020. The Board finds this lack of policy coordination between two government departments both working within prisons difficult to understand.

The exit pathway for foreign national residents who are removed from the UK is normally via an IRC but, while HMPPS continued to transfer prisoners across the prison estate, Home Office run IRCs, with the exception of two airport facilities, would not accept transfers from prisons with COVID-19 cases. This blocked the exit pathway with the consequence that final exit arrangements, usually carried out at IRCs, were often left to the Maidstone HOIE team. This unaccustomed work added to their workload at a time when they were already under pressure and it is reported that, on at least one occasion, a resident was unable to leave because required paperwork was deficient on the day of departure.

The Board finds it difficult to understand how two government agencies, HMPPS and HOIE, that together provide the exit pathway for foreign national prisoners, should implement entirely different prisoner transfer policies. The Board believes that policies and procedures could and should have been coordinated and managed with common testing and isolation regimes.

In section 3, we urge HMPPS to properly engage with HOIE to ensure that the issues experienced during this year are resolved and do not happen again. We also urge the Minister to support this work.

Despite the management and procedural issues that have constrained the ability of the local HOIE team to engage effectively with residents, the Board has observed that members of the local HOIE team have striven to service their clients in these difficult circumstances.

7.4 Family contact

With no in-cell telephony at Maidstone, residents' calls have to be made during their short unlock time using shared wing telephones. Opportunities for calls to family are therefore limited.

Physical visits have been suspended during the reporting year but Purple Visits (video calls to family) were introduced providing each resident with one video call opportunity of 30 minutes per month. While this has been a popular innovation, the opportunity for only one call a month and the limited call length have been reported by community council representatives to be a source of stress for some residents.

The community council also reports that technical issues with video calls are common and this is acknowledged by prison staff who tell us that the source of the problems is Maidstone's limited internet bandwidth.

Maidstone video calls share the bandwidth installed for prison IT systems which is why calls are only scheduled in the evening when other usage is low. The Board is informed that work to increase bandwidth at Maidstone was planned for 2020 but cancelled when the pandemic struck. Maidstone bandwidth needs to be upgraded to allow better availability and quality of Purple Visits.

The prison resettlement team has singled out the charity Spurgeons for praise for the proactive manner in which they have continued to support prisoners and their families despite being unable to visit the prison. Their efforts have included continuing to respond to residents' applications forwarded by prison staff, the provision of in-cell study packs and booklets, newsletters on the TV media channel and a Facebook presence with information for families.

The 'email a prisoner' system helps maintain outside contact and in this reporting year at Maidstone 2,084 emails were sent, down from 2,386 in 2019, and 3,075 were received, up from 1,349 in 2019.

Despite the prison's efforts to maintain family contact opportunities during the pandemic, the reduced opportunities for contact, exacerbated by the lack of in-cell telephony and video visit limitations, have been reported by the community council to be a major source of anxiety and stress for many residents.

7.5 Resettlement planning

The resettlement team reports that residents released from Maidstone into the UK received good support from the Citizens Advice Bureau and community rehabilitation companies (CRCs). For departing residents with substance misuse problems, Forward Trust refers individuals to external drug and alcohol agencies in the UK or in the country to which they are being released.

In 2020, 454 residents were removed from the UK either directly from Maidstone or via an IRC, down from 600 in 2019, and 143 (24%) were released to the UK, up from 98 (14%) in 2019. Residents released into the UK are usually subject to follow up by the Probation Service while those going abroad are given the Maidstone resettlement team's email address and encouraged to keep in contact, although few do.

8. The work of the IMB

Two of seven IMB members have regularly visited the prison since July 2020 with two others occasionally visiting and the remaining three monitoring from home. A mixture of in prison and home working is now the norm and will continue to be so for the foreseeable future.

IMB wing boxes were shut from March to July 2020 as, with the limited clerking support available at the time, there was no mechanism by which paper applications could be accessed. The 0800 telephone application service was introduced for Maidstone residents in July when wing boxes were also reopened and the processing of paper applications resumed with the support of a new IMB clerk. The lack of in-cell telephony at Maidstone hampered our work this year as it has usually been impossible to speak with residents to discuss individual problems or gain their insights into living conditions and issues.

A major reason why it took from March to July for the Board to restart processing residents' applications and for Board members at home to participate fully in Board work is the lack of IT services available to Boards from outside their establishments. Unable to visit the prison, the in-prison physical and electronic filing systems upon which we had previously relied were no longer accessible and ways of replacing these had to be found. The Maidstone Board, like others, created processes reliant on a Ministry of Justice secure email service. Email systems are not however designed to provide electronic file storage or collaboration capabilities and, if the risk of further disruption to the work of Boards in the future is to be avoided, appropriate technology services must be provided to Boards, accessible both inside and outside establishments.

Board statistics

Recommended complement of Board members	12
Number of Board members at the start of the reporting period	7
Number of Board members at the end of the reporting period	8
Total number of visits to the establishment	64
Total number of segregation reviews attended	N/A

Applications to the IMB

Code	Subject	Previous reporting year	*Current reporting year
A	Accommodation, including laundry, clothing, ablutions	4	2
B	Discipline, including adjudications, IEP, sanctions	24	11
C	Equality	5	2
D	Purposeful activity, including education, work, training, library, regime, time out of cell	14	15
E1	Letters, visits, telephones, public protection restrictions	13	8
E2	Finance, including pay, private monies, spends	9	4
F	Food and kitchens	0	6
G	Health, including physical, mental, social care	20	12
H1	Property within this establishment	12	7
H2	Property during transfer or in another establishment or location	28	13
H3	Canteen, facility list, catalogue(s)	6	3
I	Sentence management, including HDC, release on temporary licence, parole, release dates, recategorisation	37	16
J	Staff/prisoner concerns, including bullying	26	20
K	Transfers	0	6
L	Miscellaneous, including complaints system	N/A	N/A
	Total number of applications	207	125

Notes.

*Application number comparisons between these years are not meaningful because wing application boxes were shut and no applications were taken between April and July 2020.



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