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

Moj ref: SUB 90179

16 August 2021

Dear ██████████,

**HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT
FOR 1 MARCH 2020 – 28 FEBRUARY 2021**

Thank you for your Board's report for the year ending 28 February 2021. I am grateful to you and your colleagues for your hard work in capturing these helpful observations, particularly as you continued to be short of Board members and the Covid-19 pandemic impacted on your ability to gather information. I am sorry to hear about the problems experienced with the digital technology available to support Board's monitoring activities, the IMB Secretariat are aware of this matter and will respond to you directly. I was also saddened to hear there were two deaths in custody one of which was Covid-19 related; every death is a tragedy and my officials take recommendations from the Prisons and Probation Ombudsman very seriously.

I acknowledge the Board's continued concerns about the number of foreign national detainees held in prisons. In order to minimise the risk of Covid-19 being transmitted, opportunities to transfer time-served foreign nationals from outbreak prisons to the Immigration Removal Centre (IRC) estate were limited. This did increase the number detained across the prison estate and at HMP Maidstone, but the Home Office has continued to arrange removals from the United Kingdom either directly to airports or via a short-term holding facility. Cancelled flight routes, local Covid-19 outbreaks, testing requirements and documentation have all contributed to some removals from prisons and IRCs being postponed or delayed. However, Foreign National Offender Returns Command (FNORC) has increased the number of charter flights and has a charter programme to build back the number of removals to previous levels. Whilst it is recognised that delays can be frustrating, the Home Office and HM Prison and Probation Service (HMPPS) is committed to taking the welfare of those in its care seriously. IRCs are now accepting transfers from prisons and the Home Office continues to work with HMPPS to conduct careful risk assessments to determine the suitability of foreign nationals for transfer to the IRC estate, imminent removal, or risk to the public should they be released. A 28 day review is conducted to ensure an individual's detention and location of detention remains appropriate, justified and necessary.

I understand the Board's concern that foreign nationals should receive deportation documentation in languages that they can understand. The Home Office currently issue this documentation in English only, however a project is underway to explore options of translating a selection of documents into a number of other languages. Locally the FNORC Immigration Prison Teams (IPT) use translation services and all prisons have access to interpretation services where there may be language difficulties.

Regarding communications with the Home Office to ensure fair treatment for foreign nationals, it is recognised that contact with the Home Office and in-person visits by the IPT have been more challenging due to Covid-19 restrictions. HMPPS prescribed the arrangements for wearing face masks by Official Visitors to prisons, such as the IPT, within a Standard Operating procedure which was first issued on 16 June 2020. The SOP set out that *“HMPPS PPE will not be provided to external Official Visitors for the purposes of official visits to residents. It will remain their own employer’s responsibility to provide PPE where they or we (as part of the COVID risk assessment) assess it is required. These include for example Legal visitors and the Police. Official visitors who wear their own PPE are permitted to wear this for the purposes of the official visit”*. However, in December 2020 further clarity was provided which extended PPE to official visitors. In addition, as restrictions ease, the IPT has had increased access to foreign nationals at HMP Maidstone which is enabling cases to progress and allowing robust decisions to be made on removals. The IPT has also recruited a new manager who is working with the prison to review all procedures and when restrictions allow it is expected surgeries will resume.

Turning to the Board’s concern about regime recovery, a National Framework for Prison Regimes and Services was published in June 2020 which set out the strategy for a staged recovery - <https://www.gov.uk/government/publications/covid-19-national-framework-for-prison-regimes-and-services>. The easing of restrictions in prisons is guided by public health advice alongside an operational assessment of what can be achieved in a custodial setting while keeping staff and prisoners safe. HMPPS will therefore continue to ease restrictions at a pace which considers the unique setting of prisons. Not all prisons will move at the same pace, as they must demonstrate readiness and gain agreement from local health authorities, before easing restrictions. However, the Board can be assured that the focus is on enabling prisons to recover, expand regimes and begin to address the backlog of activity created by Covid-19 restrictions as soon as it is safe to do so. The Board will be pleased to note that HMPPS has re-opened the Stage 2 gateway for prisons currently delivering Stage 3 regimes. HMP Maidstone has submitted its plans for Stage 2 which would allow for small numbers of prisoners to attend education classrooms, increased numbers in workshops and opening of the weights room. In the meantime, prisoners are receiving time out of cell for domestics in the morning and afternoon, many are also able to attend work on a part time basis and cardio equipment in the gym is open to aid health and wellbeing. The education provider also continues to attend the wings to provide support to learners.

It was reassuring to receive your comments that the prison is well run and provides a safe environment, where the number of violent incidents remain low. It was pleasing to read that prisoners continue to maintain good relationships with staff and maintaining good working practices. I was encouraged that the health and wellbeing of prisoners has continued to be a focus during the pandemic and I am grateful to everyone working at the prison, who should be proud of their efforts during this difficult time.

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

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

Yours sincerely,



ALEX CHALK MP

HMP MAIDSTONE: INDEPENDENT MONITORING BOARD ANNUAL REPORT FOR 1 MARCH 2020 – 28 FEBRUARY 2021

HMPPS comments on matters raised in the report

Transfers and Testing

Covid-19 continues to present a unique set of challenges to HMPPS in maintaining services in custody and HMPPS has worked closely with public health authorities to ensure its approach is based on the best scientific advice available. Well-developed policies and procedures are in place to manage outbreaks and infectious diseases, with prisons well prepared to be able to take immediate action whenever cases or suspected cases of Covid-19 are identified. To minimise the risk of infection spreading throughout prisons measures have been put in place including restricting regimes, compartmentalising our prisons into different units to isolate the sick, shield the vulnerable and quarantine new arrivals, and introducing an extensive testing programme to test staff and prisoners. Inter-prison transfers have also been minimised whilst ensuring that there is enough space to receive individuals from courts and sufficient capacity to meet overall demand.

Tests are conducted on symptomatic prisoners on site, and asymptomatic testing is offered to all prisoners on reception in every prison in England and Wales. Prisons have clear instructions to not produce individuals to court that are symptomatic, positive or have come in to contact with someone who has Covid-19. In addition, pre-court testing is being rolled-out, as is testing prior to release or transfer as testing capability continues to expand. HMPPS also continues to keep its strategy under ongoing review and is regularly adapting in response to operational learning, as well as evolving pandemic risks in the community, with the last update to its Cohorting and Compartmentalisation Guidance in May 2021.

Education

As a foreign national prison HMP Maidstone always has a significant proportion of its population who do not speak English, as well as many others having limited ability. The education provider has worked closely with HMPPS to seek approval for translation of materials to ensure resources are made available to support learners. These include the translation of enrolment forms and screening documents to identify learning difficulties and disabilities, allowing additional support to be put in place for learners. Materials have been made available in Albanian, Arabic, French, Greek, Italian, Polish, Romanian, Russian and Spanish. In addition to the translated materials, the education provider has produced audio resources to support form completion and DVD resources have recently been made available to support learning. The introduction of the in-cell delivery model during the pandemic also resulted in the implementation of reader pens and dictionaries in multiple languages to aid learners. *English for Speakers of Other Languages (ESOL)* provision is also provided by the education provider to upskill and enable those who do not speak English as their native language to learn English speaking, listening and writing. However, ESOL materials would not be translated into the learner's native language as this is not conducive to the intent of the learning aim and the awarding body qualification.

In recognition of the slow pace of developments, financial incentives within the education contract have been subject to partial and non-payment to the provider. However, engagement with learners who cannot speak English will continue to improve as Education supplier staff resume face to face contact with learners as restrictions ease in response to the Covid-19 pandemic.

Translation Facilities

HMPPS already has a language services contract which covers face to face translation, as well as transcription services. The contract has been through rigorous competitive competitions to deliver value for money and having recently been retendered, The Big Word were again the successful bidder based on both quality and pricing. The new contract will commence in October 2021 and will deliver further savings based on the current contract.

Only five Long Term and High Security prisons spend more on translation and transcription services than HMP Maidstone and where complex blends of languages arise every effort is made to tailor a solution for prisons. It is recognised that there have been difficulties sourcing linguists to fully translate some material for HMP Maidstone for specific dialects, however HMPPS Contract Managers are addressing outstanding assignments with the prison and the provider. In addition, prisoners at HMP Maidstone are asked to help translate on occasions when it is appropriate as prisoners often have a fellow prisoner that they prefer to call upon to help them communicate with staff. Some prison staff do also speak other languages and these skills are put to good use.

Telephone and Video Call Charges

HMPPS acknowledges that family contact provides a crucial lifeline for those in its care and in response to the initial lockdown in March 2020 acted quickly to ensure that prisoners could maintain that contact providing every prisoner £5 PIN credit each week. HMPPS also negotiated a temporary reduction in call charges with the provider whilst social visits were suspended. The regular call tariffs set for the PIN Phones Service provided for prisoners' use, correspond with those that are used for fixed line telephony within private homes, with non-international calls attracting a lower charge than calls made to international numbers and mobile phones which attract a much higher premium. Video calls currently remain free of charge. While the services and costs are currently being reviewed the PIN phone system is not directly comparable to any other public payphone services, as security and monitoring is essential to the specific requirements of HMPPS which is reflected in the cost of calls.

Specifically for foreign national prisoners HMPPS also continues to provide a free five minute telephone call, which is mandated within Prison Service Instruction (PSI) 49/2011 Prisoner Communication Services - *"Output 9 - Foreign national prisoners or those with close family abroad must be permitted a free five-minute call once in a four-week period where the prisoner has had no social visits during the preceding four-week period"*.

In-Cell Telephony and Video Calls

The importance of having In-Cell Telephony across the prison estate is recognised as it allows easier access to maintain contact with family and friends, as well as support frameworks. However, installing the infrastructure into the prison environment is complex and can take up to 12 months in each prison due to local restrictions and security implications that must be adhered to. HMP Maidstone is part of the in-cell telephony rollout plan and installation at the prison is expected to be completed in December 2021 which will also see call costs reduce.

One of the strategic objectives of HMPPS is to provide the technology and digital tools to support the rehabilitation of those in its care. It is recognised that there have been some technical challenges in terms of video call quality and user experience, as a result, some adjustments have been made, which appears to have improved feedback across the prison estate and this can be seen in the continued rise in the take up of video calls. HMPPS is committed to keeping a secure video calling capability as a core tool to support family ties beyond the pandemic which will complement social visits.

Property

As an update to the response provided last year, following the pause in the development of the new property framework project due to the pandemic, the delayed consultation meeting took place with IMB representatives in August 2020. The feedback received from those members was considered alongside the comments received from other stakeholders, and comments from subsequent operational engagement. HMPPS has now circulated the draft property framework with internal and external stakeholders, including the IMB Secretariat and the IMB representatives previously consulted, and the comments received are being considered. The property framework will be published later this year, which will provide greater direction and standardisation on a national basis and has been designed with procedural justice at its core. It also strengthens guidance on known problem areas such as volumetric control and seeks to ensure prisoners' property is managed efficiently, effectively, consistently and with care and respect.

Whilst it is not a requirement of Prisoner Escort and Custody Services (PECS) providers to transport property outside the volumetric limit which is currently governed by the current Prison Service Instruction (PSI) 12/2011 – Prisoners' Property, the new PECS contract commenced in August 2020 which introduced a new vehicle fleet with an increased capacity to facilitate an additional half bag of property for consumables to the limit of 7.5kg. The PECS provider will also additionally transport a reasonable volume of legal documentation as these are an exemption from the volumetric control limit. It remains the responsibility of the sending prisons to forward any excess property a prisoner has accumulated to the receiving prison as soon as possible and HMPPS is continuing to take steps to ensure there is a consistent approach. While digital improvements to property processes are also being explored as part of these steps, the nature of this work means that any digital changes are likely to be longer-term and as such will not be part of the forthcoming framework. However, property identification numbers will now be entered on the digital platform rather than recorded by hand on the paper Person Escort Record. This will enable better tracking of property, should it be lost in transit.