



Report on an independent review of progress at

HMP Maidstone

by HM Chief Inspector of Prisons

20–22 November 2023



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Section 1 Chief Inspector's summary

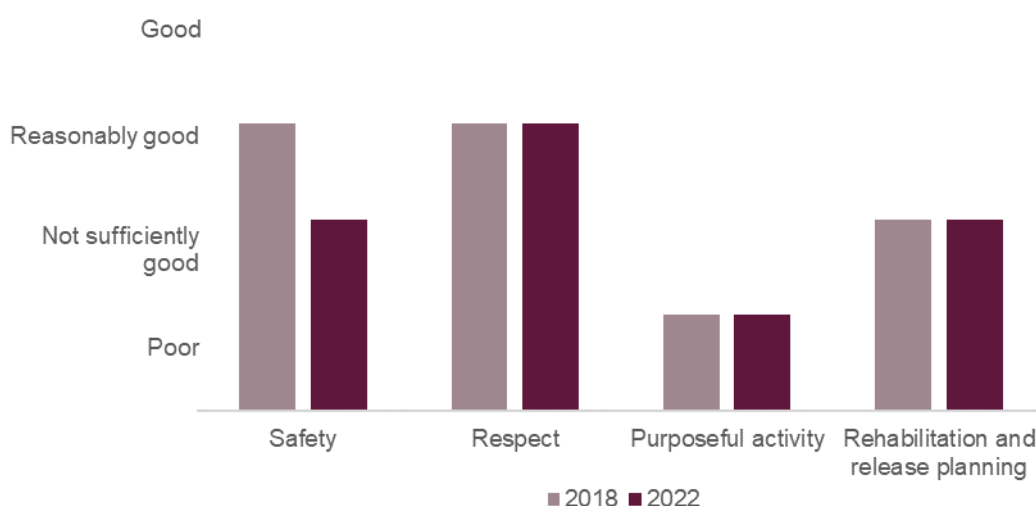
- 1.1 Maidstone is a category C training prison that held nearly 600 foreign national prisoners at the time of our visit. The prison is more than 200 years old and some of the accommodation has changed little in that time.
- 1.2 This visit followed up on the concerns we raised at our last inspection of HMP Maidstone in 2022.

What we found at our last inspection

- 1.3 At our previous inspections of HMP Maidstone in 2018 and 2022, we made the following judgements about outcomes for prisoners.

Figure 1: HMP Maidstone healthy prison outcomes in 2018 and 2022

Note: rehabilitation and release planning became 'preparation for release' in October 2023.



- 1.4 At the full inspection in September 2022, despite poor living conditions on some wings, the prison was providing reasonably good outcomes in the test of respect. Staff-prisoner relationships were largely positive, work to improve fair treatment and inclusion was developing well, and chaplaincy and health care provision were reasonably good.
- 1.5 Outcomes were worse in our other three tests, especially purposeful activity, which was poor for the second consecutive inspection. There were insufficient activity spaces, the allocations process was not working properly, quality assurance was poor and staff vacancies undermined delivery. There were also weaknesses in safety, which included poor oversight of the use of force and a lack of focus on the vulnerabilities that affected foreign national prisoners with uncertain immigration status. The quality of offender management work was inconsistent and prisoners - over a third of whom were released to the UK - could not progress well through their sentence.

What we found during this review visit

- 1.6 At this independent review, we assessed progress against nine key concerns, including three themes identified by Ofsted. There was reasonable progress in six areas, including four previous priority concerns. The other three concerns, including two of the three Ofsted themes relating to purposeful activity, had seen insufficient progress. Even though 13 months had elapsed since the inspection, we found no areas of good progress.
- 1.7 The prison had not had consistent leadership during this time with a third governor in 18 months recently appointed. The governor told us that he was still assessing what needed to be done at Maidstone and was, with some early success, prioritising the creation of systems to identify and remedy problems. For example, the previously chaotic system for managing prisoner applications had recently improved, and there was also much better management of the complaints process and external hospital appointments.
- 1.8 A new foreign national prisoner training package was being rolled out to staff which was accompanied by a useful information guide. The use of professional interpreting had also improved sharply, although from a low base, and prisoners had more opportunities to speak to Home Office staff about their cases.
- 1.9 However, the goal of creating a prison culture focused on the specific needs of its foreign national population remained in its early stages. This challenge was highlighted by ongoing concerns in safety. Tragically, there had been two self-inflicted deaths in the previous five months, and the prison's early learning review had highlighted shortcomings in support for prisoners anxious about their immigration cases.
- 1.10 Living conditions were improving; shower areas were being refurbished, basic items such as toilet covers were now provided for all prisoners, and we found no broken furniture in any of the cells that we checked. However, conditions remained too variable and some cells were in a very poor state.
- 1.11 Ofsted found that there were now sufficient education staff to deliver a suitable curriculum and qualification rates were generally good. However, the pace of improvement in the quality of education, learning and skills had been too slow, and there was not enough full-time purposeful activity. The process of allocating prisoners to activities had improved, but many prisoners' personal learning plans were of poor quality and resulted in their allocation to unsuitable activities.
- 1.12 The offender management unit was trying hard to help prisoners to progress through their sentence, but the prison still offered none of the offending behaviour programmes that were a requirement of many sentence plans.

1.13 The governor was clear-sighted about the considerable challenges ahead and was supported by a competent senior team. Together, they were making steady progress, but it was time to speed up the pace of change.

Charlie Taylor

HM Chief Inspector of Prisons

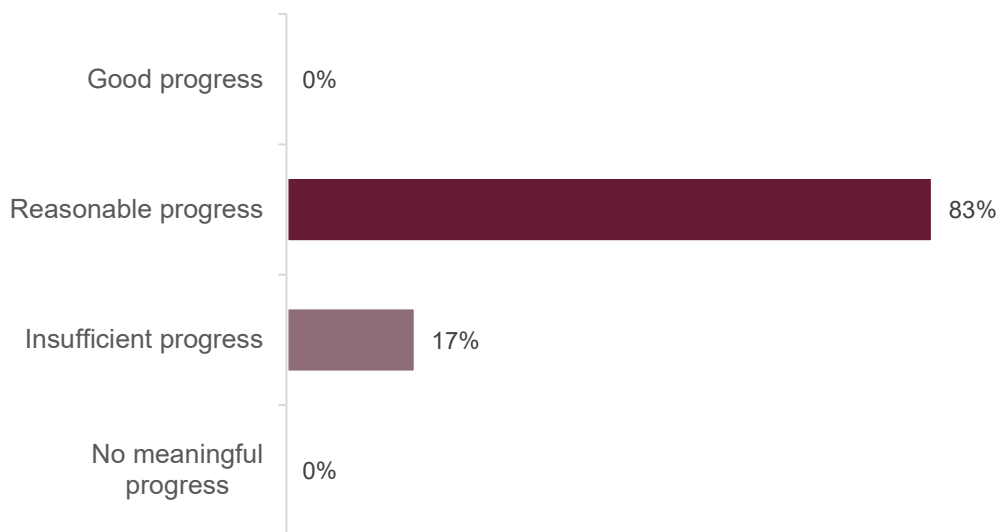
December 2023

Section 2 Key findings

- 2.1 At this IRP visit, we followed up six concerns from our most recent inspection in October 2022, and Ofsted followed up three themes based on their latest inspection to the prison.
- 2.2 HMI Prisons judged that there was reasonable progress in five concerns and insufficient progress in one concern, and no concerns judged to have made good or no meaningful progress.

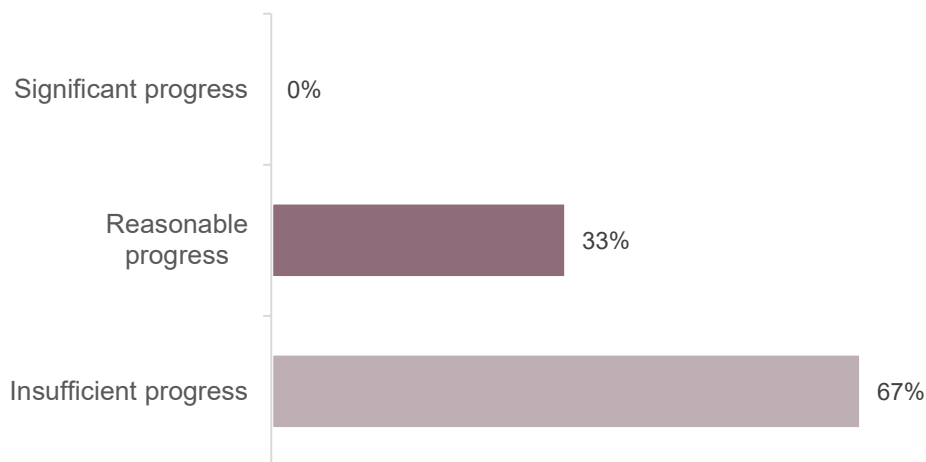
Figure 2: Progress on HMI Prisons concerns from 2022 inspection (n=6)

This bar chart excludes any concerns that were followed up as part of a theme within Ofsted's concurrent prison monitoring visit.



- 2.3 Ofsted judged that there was reasonable progress in one theme and insufficient progress in two themes. No themes were judged to have made good or no meaningful progress.

Figure 3: Progress on Ofsted themes from 2022 inspection (n=3).



Notable positive practice

- 2.4 We define notable positive practice as innovative work or practice that leads to particularly good outcomes from which other establishments may be able to learn. Inspectors look for evidence of good outcomes for prisoners; original, creative or particularly effective approaches to problem-solving or achieving the desired goal; and how other establishments could learn from or replicate the practice. Inspectors found no examples of notable positive practice during this independent review of progress.

Section 3 Progress against our concerns and Ofsted themes

The following provides a brief description of our findings in relation to each concern followed up from the full inspection in 2022.

Safeguarding

Concern: Staff did not have enough understanding of or react effectively to the particular needs of the population of this jail in which prisoners were often vulnerable, anxious and distressed.

- 3.1 New resources had been developed to increase staff understanding of the specific concerns of foreign national prisoners. A training package for work with foreign nationals had been delivered to about a third of prison staff so far, eliciting good feedback. Leaders had also produced a helpful staff pocket guide containing useful information and key resources, which was to be distributed at future training sessions.
- 3.2 The training package was still being amended and improved in consultation with external bodies. Currently, it focused mainly on cultural awareness and did not sufficiently inform staff about issues such as Home Office procedures, the mental health impact of potential deportation and the risk of modern slavery.
- 3.3 Kent Refugee Helpline and Bail for Immigration Detainees attended the prison, but leaders were not yet making enough use of these or other specialist organisations to advise and support both prisoners and staff.
- 3.4 Home Office staff now held surgeries on the units, which was a positive development. However, although they were intended to be open forums for prisoners to discuss immediate concerns and resolve queries, they were used largely to speak to prisoners of specific interest to the Home Office, undermining their original purpose.
- 3.5 The weekly multidisciplinary safety intervention meeting was an effective forum for discussing and supporting a wide range of vulnerable men. However, Home Office staff did not attend routinely, even though immigration status was one of the most common factors affecting prisoners' behaviour and risk to self or others.
- 3.6 We considered that the prison had made reasonable progress in this area.

Daily life: living conditions

Concern: Although there had been some improvements to living conditions, some parts of the estate were barely fit for purpose. Some cells were too small, damp and cold with damaged windows, no toilet screening and damaged furniture. Many showers were in a poor state.

- 3.7 Refurbishment programmes were well under way and prisoners told us that recent changes had made a positive impact on their living conditions. Notably, new showers had been installed on Medway unit and the first phase of shower replacements had started on Kent unit.
- 3.8 Old and damaged cell furniture had been replaced and was now of a reasonable standard; we found no broken items during our cell checks. All cell toilets now had lids, and toilet privacy screening had been rolled out in most of Weald unit. Enough replacement mattresses for the whole prison were currently on order.
- 3.9 All the units were being painted, and Kent and Weald units were generally tidy, clean and well maintained. However, there was insufficient management oversight of living conditions on Thanet and Medway. Shower areas in Thanet were in especially poor condition, with significant condensation and mould. There was inadequate cleaning of the showers and other parts of this unit. On Medway unit, we were concerned to find a prisoner held in a cell with advanced black mould, despite regular staff checks on the suitability of cells. Leaders told us that he would be moved to a more appropriate cell.



Floor and window in the shower room



Shower room ceiling

- 3.10 Across the prison, many cells remained cold and/or poorly ventilated. A window replacement programme was scheduled for 2024 and was urgently needed. Some had mould under and around window frames which were rusted, dirty and broken. Cells lacked curtains and prisoners used sheets or blankets to cover windows.



Damaged window frame

- 3.11 We considered that the prison had made reasonable progress in this area.

Prisoner consultation, applications and redress

Concern: The systems for dealing with prisoners' applications and complaints were ineffective and were the cause of much frustration.

- 3.12 Leaders had improved systems for recording, tracking and quality assuring complaints. Monitoring of response times showed that approximately 80% of complaints were responded to promptly, with none outstanding during the inspection. A new process for health care complaints made sure that sensitive health information remained confidential. Complaints were also analysed by subject and unit location to establish trends.
- 3.13 However, responses were often unhelpful and dismissive, and failed to deal adequately with the issues raised. Leaders had identified these problems through quality assurance and were addressing them with individual staff.
- 3.14 A revised system for monitoring and tracking prisoner applications had been introduced recently, with early signs of improvement. Peer workers were now responsible for recording and monitoring applications, and they worked with first-line managers to track and chase any late responses. A new applications policy supported the updated process, which leaders intended to review monthly until it was embedded. Currently, many prisoners reported a lack of confidence in both the applications and complaints procedures.
- 3.15 We considered that the prison had made reasonable progress in this area.

Equality, diversity and faith

Concern: Professional interpretation services were not used enough. The experience of those who spoke little or no English was poor.

- 3.16 There was a good range of translated information across the units, and leaders had improved systems for promoting, tracking, and targeting interpreting services.
- 3.17 All first night interviews with prisoners now included a basic assessment to ascertain their levels of spoken English. For prisoners who spoke little or no English, an easily accessible vulnerability alert was activated on Nomis (national offender management information system, the Prison Service IT system) and updated regularly. About 200 prisoners had arrived before the roll-out of the new language

assessments, but leaders planned to conduct a prison-wide language census by the end of 2023.

- 3.18 Phones to facilitate telephone interpreting were now located in key areas across the prison, which were private enough for sensitive and confidential conversations. Their locations were promoted and signposted.
- 3.19 Leaders had recently secured separate telephone interpreting access codes, which allowed them to track level of use by different departments. Use of telephone interpreting had increased by about 50% from the previous financial year, but was still lower than we would expect for a foreign national population. In some cases, other prisoners had been asked inappropriately to interpret for complex or sensitive discussions, such as key work (see Glossary) sessions.
- 3.20 We considered that the prison had made reasonable progress in this area.

Health, well-being and social care

Concern: External hospital appointments and orders for medical equipment were not managed well. Staff had not followed up some important referrals and orders for equipment, with negative effects on the health and well-being of some patients.

- 3.21 The tracking of hospital appointments had improved: administrative staff logged and followed up referrals, and there was evidence of daily discussions to manage changes or delays.
- 3.22 Oxleas NHS Foundation Trust had a regional standard operating procedure for recording and auditing hospital escorts, but it did not outline exactly what should be audited and with whom the audit should be shared. In any event, no monthly audits had been produced.
- 3.23 Standard mechanisms to log referrals in patient records were not being used, which made finding them a laborious task. The tracker used colour coding to identify two-week waits, urgent referrals and those which needed chasing up with the hospital. However, the form lacked waiting time totals, which were calculated manually. We found one patient who had waited 61 days to be seen for a two-week rule appointment (see Glossary) in February 2023.
- 3.24 The hospital appointment tracker did not calculate the wait for follow-up appointments. Some patients waited too long for an initial appointment due to external hospital delays. The wait for these appointments was not monitored or routinely shared with commissioners as part of early safeguarding reporting.
- 3.25 A process for ordering medical equipment for patients was in place. We found no deficits in provision, and no complaints about these issues.

- 3.26 We considered that the prison had made reasonable progress in this area.

Education, skills and work



This part of the report is written by Ofsted inspectors. Ofsted's thematic approach reflects the monitoring visit methodology used for further education and skills providers. The themes set out the main areas for improvement in the prison's previous inspection report or progress monitoring visit letter.

Theme 1: What progress have leaders and managers made to improve the quality of the education, skills and work provision to bring the teaching that prisoners receive to a good standard?

- 3.27 Leaders had been slow to improve the overall quality of education, skills and work. College managers acknowledged that too much classroom-based provision, especially in English, mathematics and in English for speakers of other languages (ESOL) continued to require further improvement.
- 3.28 While teachers generally knew their subject well, they did not always take sufficient account of learners' starting points, especially when teaching prisoners whose English language skills were underdeveloped. For example, teachers often spoke too quickly, using unfamiliar words or expressions that not all prisoners understood. As a result, a few prisoners sometimes struggled to understand what teachers were saying and did not learn as quickly as they should.
- 3.29 Prison leaders and managers had failed to make any meaningful progress to improve the quality and oversight of the work carried out by prisoners engaged in prison employment. They did not routinely carry out activities such as monitoring of prisoners' 'Progress in Workshops' booklets to check that instructors were recording wider employability skills and personal development targets. We found many examples of poorly completed booklets that did not provide any meaningful record of the skills that prisoners had developed to share with prospective employers upon release.
- 3.30 Prison leaders and managers had made only limited progress in ensuring that instructors in industry workshops had completed an appropriate teaching qualification. Not enough prisoners were achieving qualifications that could enhance their employability or wider personal and social skills.
- 3.31 College leaders and managers had implemented suitable quality monitoring arrangements, such as regular 'learning walks', scrutiny of

teachers' feedback and assessment of marked work. Managers had also put in place an appropriate professional development programme to help teachers improve their skills in teaching and assessment. Early indications suggested that these measures were beginning to have a positive impact on the quality of teaching, but it was too early to assess fully their effectiveness.

- 3.32 Ofsted considered that the prison had made insufficient progress against this theme.

Theme 2: What progress have leaders and managers made to provide enough staff in education, skills and work to plan and teach a curriculum that fully meets the needs of the population and to bring about the necessary improvements in quality and performance?

- 3.33 College managers had responded promptly to the significant number of teaching vacancies identified during the full inspection. At the time of this visit, all of the teaching vacancies have been filled. As a result, prisoners now benefited from a full education curriculum that covered the core subjects of English, mathematics, IT and ESOL, as well as vocational courses in catering and plastering.
- 3.34 Staff benefited from a useful and well-planned teacher development programme. As a result, prisoners now benefited from an improved quality of teaching, especially on the college's vocational courses. Prisoners' achievement rates on courses in plastering and catering had increased significantly since the last inspection.
- 3.35 Prison and college leaders carried out two curriculum needs analyses following the inspection. The information gained through this exercise helped managers to model the curriculum to reflect the needs of a population comprising foreign prisoners. For example, the curriculum now included substantial ESOL provision. Managers also gained a much clearer understanding of prisoners' prior occupational backgrounds and tailored the curriculum to focus on purposeful activities that met prisoners' needs.
- 3.36 Although teaching vacancies had been filled, prison staffing continued to require further attention. The prison's learning and skills manager had only been appointed very recently and the head of learning and skills was a temporary appointment. As a result of these vacancies, the prison's Quality Improvement Group (QIG) had not met regularly since the full inspection, resulting in reduced oversight by prison leaders and managers of the quality of prison work and industries. A newly revived QIG had met twice before our visit, but it was too soon to make any judgement about its impact.
- 3.37 Ofsted considered that the prison had made reasonable progress against this theme.

Theme 3: What progress have leaders and managers made to ensure that prisoners access education, skills and work activities appropriate to their identified needs, in a timely and sequenced way?

- 3.38 The quality of advice and guidance offered by the recently appointed careers, information, advice and guidance (CIAG) provider was poor. CIAG advisers' interviews with prisoners did not sufficiently support prisoners to access activities appropriate to their needs. Advisers took little account of prisoners' current skills or future ambitions, or of how prisoners could make best use of their time in prison. Advisers offered little support to prisoners to identify their career goals, or to sequence their choice of activities in priority order. As a result, prisoners were ill-prepared for their next steps.
- 3.39 Managers had introduced an activities board, which prisoners were required to attend, and allocations staff tried to take account of prisoners' wishes. They also looked at prisoners' completed Personal Learning Plans, but these were superficial and contained insufficient detail about work background, aptitudes or long-term goals. As a result, staff too often allocated prisoners to activities based on the availability of specific education, skills and workplaces, rather than on prisoners' identified needs. A few prisoners were deployed in the area of their first choice, but many had to wait until a place became available. As a result, too many prisoners remained unemployed for a few months before starting any activity.
- 3.40 Leaders and managers did not ensure that sufficient activity places were available in education, skills and work. Leaders and managers had increased slightly the number of places, but there were not enough to meet the needs of the prison population. Too often, work was insufficiently challenging and did not reflect a real working environment. Few prisoners in work areas had completed the basic training required for their roles, which meant that they did not develop the skills necessary for that type of work upon release.
- 3.41 Ofsted considered that the prison had made insufficient progress against this theme.

Interventions

Concern: There were no programmes to address offending behaviour. Many prisoners needing such a course could not move to a prison which delivered it. As a result, they were unable to progress with their sentence.

- 3.42 There were still no accredited offending behaviour programmes offered at Maidstone. This was a result of the continuing national policy that such interventions would not be resourced at foreign national prisons. No psychology or programmes staff were based in the prison, and while there was some access to the regional psychology team, it was difficult for a formal programme needs assessment to be carried out.

As a consequence, some prisoners required to complete such programmes were hindered from progressing through their sentence towards open conditions or release on parole.

- 3.43 Leaders in the offender management unit (OMU) had strengthened procedures to move prisoners needing a specific programme to a prison where it was available; such moves had been arranged for 11 prisoners in the previous six months. The prison was also screening prospective inward transfers to prevent people with a documented specific programme need from moving to Maidstone.
- 3.44 OMU leaders had helpfully increased the variety of one-to-one interventions that the experienced team of prison offender managers (POMs) were delivering to prisoners. They believed that, for some, such an approach was particularly beneficial in view of factors such as trauma, and cultural and language differences. They were targeting interventions at groups that had recently increased, such as young adults and those convicted of sexual offences.
- 3.45 Despite these positive local mitigations, foreign national prisoners, many of whom were ultimately returning to the UK community, still did not have fair access to the programmes that were requirements in their sentence plans.
- 3.46 We considered that the prison had made insufficient progress in this area.

Section 4 Summary of judgements

A list of the HMI Prisons concerns and Ofsted themes followed up at this visit and the judgements made.

HMI Prisons concerns

Staff did not have enough understanding of or react effectively to the particular needs of the population of this jail in which prisoners were often vulnerable, anxious and distressed.

Reasonable progress

Professional interpretation services were not used enough. The experience of those who spoke little or no English was poor.

Reasonable progress

The systems for dealing with prisoners' applications and complaints were ineffective and were the cause of much frustration.

Reasonable progress

External hospital appointments and orders for medical equipment were not managed well. Staff had not followed up some important referrals and orders for equipment, with negative effects on the health and well-being of some patients.

Reasonable progress

Although there had been some improvements to living conditions, some parts of the estate were barely fit for purpose. Some cells were too small, damp and cold with damaged windows, no toilet screening and damaged furniture. Many showers were in a poor state.

Reasonable progress

There were no programmes to address offending behaviour. Many prisoners needing such a course could not move to a prison which delivered it. As a result, they were unable to progress with their sentence.

Insufficient progress

Ofsted themes

There were not enough staff in education, skills and work to plan and teach a curriculum that fully met the needs of the population and to bring about the necessary improvements in quality and performance. Leaders had not reviewed their curriculum offer to make sure that it was of high quality and relevant to the needs of the population.

Reasonable progress

Leaders and managers had not improved the quality of the education, skills and work provision to bring the teaching that prisoners received to a good standard. The quality of education and vocational lessons was too variable. Some teachers did not check learning effectively and did not support prisoners to improve their knowledge and skills.

Insufficient progress

Leaders did not ensure that prisoners accessed education, skills and work activities appropriate to their identified needs, in a timely and sequenced way. Staff did not allocate prisoners to the activities identified as most appropriate for them. Leaders did not maximise activity spaces and more than a fifth of prisoners were unemployed.

Insufficient progress

Appendix I About this report

HM Inspectorate of Prisons (HMI Prisons) is an independent, statutory organisation which reports on the treatment and conditions of those detained in prisons, young offender institutions, secure training centres, immigration detention facilities, court custody and military detention.

All visits carried out by HM Inspectorate of Prisons contribute to the UK's response to its international obligations under the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). OPCAT requires that all places of detention are visited regularly by independent bodies – known as the National Preventive Mechanism (NPM) – which monitor the treatment of and conditions for detainees. HM Inspectorate of Prisons is one of several bodies making up the NPM in the UK.

Independent reviews of progress (IRPs) are designed to improve accountability to ministers about the progress prisons make in addressing HM Inspectorate of Prisons' concerns in between inspections. IRPs take place at the discretion of the Chief Inspector when a full inspection suggests the prison would benefit from additional scrutiny and focus on a limited number of the concerns raised at the inspection. IRPs do not therefore result in assessments against our healthy prison tests. HM Inspectorate of Prisons' healthy prison tests are safety, respect, purposeful activity and rehabilitation and release planning. For more information see our website:

<https://www.justiceinspectors.gov.uk/hmiprisons/our-expectations/>

The aims of IRPs are to:

- assess progress against selected priority and key concerns
- support improvement
- identify any emerging difficulties or lack of progress at an early stage
- assess the sufficiency of the leadership and management response to our concerns at the full inspection.

This report contains a summary from the Chief Inspector and a brief record of our findings in relation to each concern we have followed up. The reader may find it helpful to refer to the report of the full inspection, carried out in [MONTH, YEAR] for further detail on the original findings (available on our website at <https://www.justiceinspectors.gov.uk/hmiprisons/>).

IRP methodology

IRPs are announced at least three months in advance and take place eight to 12 months after a full inspection. When we announce an IRP, we identify which concerns we intend to follow up (usually no more than 15). Depending on the concerns to be followed up, IRP visits may be conducted jointly with Ofsted (England), Estyn (Wales), the Care Quality Commission and the General Pharmaceutical Council. This joint work ensures expert knowledge is deployed and avoids multiple inspection visits.

During our three-day visit, we collect a range of evidence about the progress in implementing each selected concern. Sources of evidence include observation, discussions with prisoners, staff and relevant third parties, documentation and data.

Each concern followed up by HMI Prisons during an IRP is given one of four progress judgements:

No meaningful progress

Managers had not yet formulated, resourced or begun to implement a realistic improvement plan to address this concern.

Insufficient progress

Managers had begun to implement a realistic improvement strategy to address this concern but the actions taken since our inspection had not yet resulted in sufficient evidence of progress (for example, better and embedded systems and processes).

Reasonable progress

Managers were implementing a realistic improvement strategy to address this concern and there was evidence of progress (for example, better and embedded systems and processes) and/or early evidence of some improving outcomes for prisoners.

Good progress

Managers had implemented a realistic improvement strategy to address this concern and had delivered a clear improvement in outcomes for prisoners.

When Ofsted attends an IRP its methodology replicates the monitoring visits conducted in further education and skills provision. Each theme followed up by Ofsted is given one of three progress judgements.

Insufficient progress

Progress has been either slow or insubstantial or both, and the demonstrable impact on learners has been negligible.

Reasonable progress

Action taken by the provider is already having a beneficial impact on learners and improvements are sustainable and are based on the provider's thorough quality assurance procedures.

Significant progress

Progress has been rapid and is already having considerable beneficial impact on learners.

Ofsted's approach to undertaking monitoring visits and the inspection methodology involved are set out in the *Further education and skills inspection handbook*, available at <https://www.gov.uk/government/publications/education-inspection-framework>.

Inspection team

This independent review of progress was carried out by:

Hindpal Sing Bhui	Team leader
Martin Kettle	Inspector
Emma Roebuck	Inspector
Tania Osborne	Health and social care inspector
Sharon McDermott	Ofsted inspector
Jai Sharda	Ofsted inspector

Appendix II Glossary

We try to make our reports as clear as possible, and this short glossary should help to explain some of the specialist terms you may find. If you need an explanation of any other terms, please see the longer glossary, available on our website at: <http://www.justiceinspectors.gov.uk/hmiprisons/about-our-inspections/>

Key worker scheme

The key worker scheme operates across the closed male estate and is one element of the Offender Management in Custody (OMiC) model. All prison officers have a caseload of around six prisoners. The aim is to enable staff to develop constructive, motivational relationships with prisoners, which can support and encourage them to work towards positive rehabilitative goals.

Leader

In this report the term 'leader' refers to anyone with leadership or management responsibility in the prison system. We will direct our narrative at the level of leadership which has the most capacity to influence a particular outcome.

Offender management in custody (OMiC)

The Offender Management in Custody (OMiC) model, which has been rolled out in all adult prisons, entails prison officers undertaking key work sessions with prisoners (implemented during 2018–19) and case management, which established the role of the prison offender manager (POM) from 1 October 2019. On 31 March 2021, a specific OMiC model for male open prisons, which does not include key work, was rolled out.

Two-week rule appointment

A hospital appointment that should have taken place within two weeks under the then NHS guidelines for patients with potential cancer symptoms.

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