



LINCOLNSHIRE INDEPENDENT CUSTODY VISITING SCHEME

(a) Complaint Procedure

Receipt of Complaint

1. Complaint allegations made against Independent Custody Visitors (ICVs) due to the performance of their duties should be notified to the Scheme Manager (or Deputy) as soon as possible.
2. The complaint will be acknowledged within 10 working days and the complainant advised what action will be taken.

Criminal Offences

3. If the commission of a criminal offence is alleged, the Scheme Manager or Deputy Scheme Manager (or Deputy) will immediately refer the allegation to Lincolnshire Police and this procedure will be held in abeyance pending the outcome of any subsequent criminal investigation/proceedings.
4. This procedure may be proceeded with in respect of any other related complaint allegation that does not allege the commission of a criminal offence.

Criminal Proceedings

5. ICVs are required to notify the Scheme Manager (or Deputy) if they are charged with a criminal offence. The Scheme Manager (or Deputy) will immediately suspend the ICV until the outcome of any criminal proceedings is known. If the ICV is subsequently found not guilty, or if charges are dropped, he/she will be considered for reinstatement to the Lincolnshire Independent Custody Visiting Scheme (LICVS).

Action upon Receipt of a Complaint

6. The Scheme Manager (or Deputy) will notify the ICV in writing that a complaint has been made against him/her. This will include the date, time (if known) and location of the incident. The ICV will be invited to respond in writing to the complaint within 10 calendar days.
7. The Scheme Manager (or Deputy) may decide that the gravity of the complaint allegations warrant the immediate suspension of the ICV until such time as the outcome of the complaint process is known. The ICV will be informed in writing of this decision and the rationale.

8. The Scheme Manager may dismiss a complaint if it appears vexatious, malicious or otherwise lacking in merit. Both the complainant and the ICV will be informed of this decision and the rationale in writing

Informal Resolution

9. Where the Scheme Manager (or Deputy) deems appropriate, he/she will seek to resolve the matter via informal mediation between the parties concerned.

Investigation of the Complaint

10. Where an informal resolution of the complaint cannot be agreed or the complaint is not deemed suitable for informal resolution, the Scheme Manager (or Deputy) will inform the parties concerned that a formal investigation is to be conducted.
11. The Scheme Manager (or Deputy) shall conduct the investigation and secure all available evidence, including eye witness accounts, relevant records, CCTV recordings and Body Worn Video.
12. The Scheme Manager (or Deputy) will formally interview the ICV and make a written record of his/her responses. The ICV may be accompanied by a friend, relative or colleague during the interview, but not by a legal representative.
13. The Scheme Manager (or Deputy) will aim to complete their investigation within 20 calendar days following the interview.

Decision on Complaint

14. The Scheme Manager (or Deputy) will consider, on the balance of probabilities, whether the complaint has been substantiated. If he/she decides to uphold the complaint, they will decide which of the following outcomes shall apply:
 - No further action required.
 - ICV to receive advice/guidance about their future conduct.
 - ICV is required to undergo further training.
 - ICV is to receive a formal written warning that if another complaint should be made against them within the following 12 month period and is upheld, his/her membership of the LICVS will be terminated.
 - Recommend to the OPCC Chief Executive that the ICV be dismissed from the LICVS.
15. The Scheme Manager (or Deputy) will inform the complainant and the ICV of his/her decision in writing. The decision will be final and there will be no right of appeal.
16. If the ICV's appointment is suspended and the complaint is not upheld or is upheld but termination of appointment is not recommended, the suspension shall be lifted.

Dismissal

17. If the complaint has been upheld and the gravity of the conduct warrants dismissal, the Scheme Manager (or Deputy) shall submit a written report to the OPCC Chief Executive, detailing the complaint, outcome of the investigation and rationale for dismissal. The Chief Executive shall determine whether dismissal is justified or whether an alternative sanction should be applied.
18. The Chief Executive will inform the complainant and the ICV of his/her decision in writing. The decision will be final and there will be no right of appeal.

Confidentiality

19. All persons involved in the complaint procedure will be advised to maintain confidentiality and not to discuss the complaint other than in the course of its investigation.

(b) Underperformance Procedure

20. When it comes to the notice of the Scheme Manager (or Deputy) that an ICV has failed to fulfil the agreed responsibilities and meet the legitimate expectations placed upon them as a member of the LICVS, he/she will raise the matter directly with the ICV. The Scheme Manager (or Deputy) will want to seek an assurance from the ICV that his or her performance will improve.
21. If no such assurance is forthcoming and/or the ICV continues to fail in the performance of their duties, the Scheme Manager (or Deputy) shall write to the ICV and inform them that their underperformance will be considered under this procedure.
22. The Scheme Manager (or Deputy) may decide, based on the severity of the performance issue(s), to suspend the ICV's membership until the outcome of this procedure is known.
23. The Scheme Manager (or Deputy) will consider the details of the underperformance and of the response thereto, make any further necessary inquiries, before deciding which of the outcomes detailed at paragraph 14 will apply.
24. The Scheme Manager (or Deputy) will inform the ICV in writing of the outcome and, if appropriate, what sanction will be imposed. There will be no right of appeal.
25. If the severity of the performance issue warrants dismissal, the Scheme Manager (or Deputy) shall submit a written report to the Chief Executive, detailing the complaint, outcome of the investigation and rationale for dismissal. The Chief Executive shall determine whether dismissal is justified or whether an alternative sanction should be applied.
26. The Chief Executive will inform the complainant and the ICV of his or her decision in writing. The decision will be final and there will be no right of appeal.

(c) Fitness for Duty Procedure

27. If it comes to the notice of the Scheme Manager (or Deputy) that an ICV is no longer mentally and/or physically fit to perform his/her duties as a member of the LICVS, the Scheme Manager (or Deputy) will notify the ICV in writing and invite him/her to make a written response within 10 calendar days.
28. The Scheme Manager (or Deputy) may decide to suspend the ICV's membership of LICVS whilst the matter is under consideration and will inform the ICV in writing of this decision and rationale.
29. The Scheme Manager (or Deputy) will submit a report and recommendation(s) to the Chief Executive who will determine whether the ICV is fit to continue in the role.
30. The Scheme Manager (or Deputy) will inform the ICV and the relevant Panel Chair of the outcome in writing. There is no right of Appeal.