
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2016 No.

**The Children and Young People (Scotland) Act
2014 (Part 4 and Part 5 Complaints) Order 2016**

Determination of complaints

- 8.—**(1) The matters which must be included in any determination of a complaint are—
- (a) the function or functions which the investigating authority has identified as relating to the subject matter of the complaint;
 - (b) the names of any service provider or authority which is or was responsible for exercising those functions;
 - (c) the names of any service provider or authority which has provided information or assistance in relation to the investigation of the complaint in accordance with article 6;
 - (d) the reasons for any refusal to provide agreement as mentioned in article 6(3);
 - (e) the investigating authority's findings in relation to the complaint;
 - (f) the reasons for those findings;
 - (g) details of—
 - (i) any action which the investigating authority has taken or which it intends to take as a result of the complaint; and
 - (ii) any action which the investigating authority recommends should be taken by any other service provider or authority as a result of the complaint; and
 - (h) the ability of the person aggrieved to complain to the Ombudsman in accordance with the 2002 Act.
- (2) Where another service provider or authority has provided information or assistance in relation to the investigation of a complaint in accordance with article 6, the investigating authority must—
- (a) seek to agree the proposed terms of any determination of the complaint with each such service provider or authority before sending it to the person aggrieved; and
 - (b) provide each such service provider or authority with a copy of the final determination as it has been sent to the person aggrieved.
- (3) A service provider or authority which declines to give agreement as mentioned in paragraph (2)(a) must provide the investigating authority with its reasons for doing so in writing.
- (4) Any determination of a complaint must not—
- (a) mention the name of any individual; or
 - (b) contain any particulars which, in the investigating authority's opinion, are likely to identify any individual,
- unless the investigating authority determines that it is necessary to do so.