
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 152

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

Procedure for making a complaint

- 4.—(1) A complaint may be made—
- (a) in person;
 - (b) by telephone; or
 - (c) in writing.
- (2) A complaint must be made—
- (a) in the case of a complaint about a matter mentioned in article 2(1)(a), to the service provider in relation to the child or young person; or
 - (b) in the case of a complaint about a matter mentioned in article 2(1)(b), to the authority which is or would be the managing authority of the child's plan.
- (3) A complaint must contain—
- (a) the name and address of the individual making the complaint;
 - (b) the name and address of the child or young person in respect of whom the functions have been or ought to have been exercised;
 - (c) details of the matter which is the subject of the complaint;
 - (d) where the complaint is made in accordance with article 3(2) or 3(3)(a), evidence of consent as mentioned in article 3(2); and
 - (e) where the complaint is made in accordance with article 3(3)(b) or (c), information about the relationship of the individual making the complaint to the child or young person or, as the case may be, their parent.
- (4) Subject to paragraph (5), a complaint must be made within a period of 6 months, beginning with—
- (a) in relation to a complaint about a matter mentioned in article 2(1)(a), the day on which the individual mentioned in article 3(1)(a)(i) or an individual mentioned in article 3(1)(a)(ii) first had notice of the matter which is the subject of the complaint, whichever is later; or
 - (b) in relation to a complaint about a matter mentioned in article 2(1)(b), the day on which the individual mentioned in article 3(1)(b)(i) or an individual mentioned in article 3(1)(b)(ii) first had notice of the matter which is the subject of the complaint, whichever is later.
- (5) A complaint may be considered or investigated outwith the period mentioned in paragraph (4) where the investigating authority is satisfied that there are special circumstances which make it appropriate to do so.