



Optical Consumer  
Complaints Service



## A service to the public and profession

Statistics for the number of sight tests carried out in the UK are not yet available for the year of this report, but it is reasonable to assume, based on the statistics for earlier years, that there were at least 20 million NHS and private sight tests in the UK during the year ending 31 March 2011. In most cases, the dispensing of spectacles or contact lenses will follow.

The number of complaints received by the OCCS is infinitesimal compared to these figures, but every complaint is important to the parties involved. The public has an excellent service from UK optical practices whose opticians are among the best trained and qualified in the world, but occasionally something goes wrong and causes a complaint. When this happens the problem is usually dealt with quickly and satisfactorily by the practice's own complaints procedure. However, there are occasions when the practice and complainant seem unable to settle the matter and the OCCS becomes involved. There are many reasons why a complaint fails to be resolved at the practice, and our experience is that poor communication proves to be the main reason for failure.

It is the role of the OCCS, as an independent mediator to clarify any misunderstandings and seek a solution acceptable to both. Both parties involved in a complaint can be confident that the OCCS is independent and that a solution is sought in an impartial manner.

## The OCCS complaints procedure

### Who can complain?

Anyone who is receiving, or has received, goods or services from an optical practice utilising the services of an Optometrist or a Dispensing Optician registered with the General Optical Council. If a patient is unable to complain for themselves, then someone else - usually a relative or close friend - can complain for them. In all cases OCCS will require written authority from the patient or the authorised representative before the complaint can be registered to comply with data protection legislation. It is also important that any complaint is made as soon as possible after the event.

### How to complain

Wherever possible, complaints should first be made direct to the practice from which the goods or services were received as usually it should be possible to sort out the problem straight away; but if the matter cannot then be resolved, or if you would prefer to talk to someone who is not involved with the practice concerned, then you should write, telephone, fax or email to:

OCCS  
PO Box 219  
Petersfield  
GU32 9BY  
t: 0844 800 5071  
f: 01730 265058  
e: [postbox@opticalcomplaints.co.uk](mailto:postbox@opticalcomplaints.co.uk)

OCCS will then try to sort out the problem as quickly as possible, although on occasions there may be a need for specialist advice, or a second opinion, to establish what has happened.

### Issues and solutions

The first level of dealing with a complaint is, obviously, at the practice so that there is no need for the complaint to be passed on elsewhere. Every practice should have a complaints procedure and staff should have a knowledge of how to deal with a complaint, whether trivial or serious, and to give proper attention to any dissatisfaction expressed by the patient. It is clear to OCCS that practitioners who give high priority to dealing with complaints brought to their attention have the best chance of a speedy and amicable resolution. Where a complaint has been passed to OCCS, it is in the practitioner's interest to arrive at a resolution via the OCCS, rather than have the matter come to an impasse or to enter expensive and time-consuming legal processes.

Practitioners should now be aware of the increased number of channels of complaint available to members of the public and, therefore, it is in everybody's interest to utilise the conciliatory services provided by OCCS which offers a no-cost, speedy path to resolution.

#### What else can you do?

If you are still dissatisfied following the completion of any appropriate OCCS procedures, then your local Trading Standards Office or Citizens Advice Bureau may be able to help; participation in the OCCS procedures will not prejudice your other legal rights.

#### Complaints to others

There are some things which cannot be dealt with under OCCS procedures. They are:

- Events about which you are already taking legal action.
- Complaints relating to the professional conduct of an Optometrist or an Optician, which are dealt with by:

**General Optical Council**  
41 Harley Street  
London W1G 8DJ  
t: 020 7580 3898

- Complaints relating to Ophthalmic Medical Practitioners; these should be referred to:

**General Medical Council**  
44 Hallam Street  
London W1W 6AE  
t: 020 7580 7642

- Complaints relating to a possible breach of the National Health Service contract conditions or related services which are being dealt with under the NHS complaints procedure. Further information is available from your local primary care trust.

## Communication

OCCS annual reports in previous years have referred particularly to the difficulties arising from poor communication. Misleading, or inadequate communication on behalf of the practice or the patient continues to be a major reason for a complaint coming to the OCCS.

Examples that have been issues in complaints received are:

- The terms of 'marketing offers', e.g. second pair of glasses, not being clearly stated at the time of transaction.
- The service included and costs covered by direct debit arrangements under contact lens contracts not being adequately explained.
- Failure or refusal to explain why the IPD measurement is not normally provided with the prescription.
- The distinction between the prescription and contact lens specification, or the reason for not immediately issuing the latter, not being made clear.
- The reason for not reglazing a current frame on change of prescription.
- Failure to recognise patient's ability to understand.

Even where explanations have been provided, it has sometimes been the case that the consumer has not understood, e.g. the explanation has been too 'technical'; the patient's ability to absorb information is limited by intellect or life experience; or affected by age or health.

It is clear that time spent on clear explanation usually improves customer relations and it is less likely that an aggrieved customer will misconstrue reasonable and proper advice from a practice as a commercial ploy for the benefit of that practice. It is also likely to avoid the time and cost of having to deal with a complaint, or even correspondence from the OCCS!





## Particular areas of difficulty

**'Poor service/practice'** – As will be seen from the statistics, we introduced this category in 2010 to identify a type of complaint that was previously categorised as 'Miscellaneous'. The category includes complaints which seem to result from a practice failing to deliver a proper service to a consumer; or to respond adequately to a reasonable question or request; or to make clear to the consumer the terms of the contract he/she is entering into.

It is perhaps significant to note that most of the complaints received in 2010 fell into this category. A comparison with the other categories would suggest that the main cause of complaint was due either to an inefficient process within a practice and/or to the procedure in responding to a query being ineffective.

OCCS has observed that the fault often lies with the 'front of house' staff, who are not always in the best position to deal with any potential problems, so it is important for appropriate management arrangements to be in place to enable an informed and suitable response to all issues that may arise from a complaint.

**The prescription and 'interpupillary distance (IPD)'** – The IPD measurement continues to be an issue in complaints made to the OCCS by consumers who wish to exercise their legal right to have their prescription dispensed through the internet or by another practice or supplier. This measurement is not part of the sight test, but is an important element in the dispensing of glasses and it continues to be a contentious issue within the profession and to the consumer and internet suppliers alike.

An optician has no obligation to measure the IPD if not supplying glasses, and if asked to do so we accept that a reasonable fee could be charged.

While we acknowledge the right of a consumer to choose where to purchase their glasses, our experience is that where two practices are involved, it is more difficult to establish whether it is the sight test or the dispensing at fault if there is a complaint. We explain to complainants that we cannot act on their complaint if it relates to a product purchased from an unregistered supplier.

**Conflict between 'commercial' and 'professional'** – Many of the complaints received by OCCS arise from circumstances that suggest that professional standards are being affected by pressures to meet commercial targets. In such cases there are instances of a consumer's freedom of choice being denied or obstructed, reduced attention to consumer needs and reluctance to remedy any defects or spend time in responding to any queries or complaints.

It is understood that there are a number of factors that can disturb the balance between the service of a health professional and the need to make a sale. For example, NHS and private sight test fees are unlikely to cover the cost of the 'chair time' involved and not all sight tests result in the sale of spectacles or contact lenses; so the proceeds from sales are necessary to cover the costs of an optician's practice and provide an income.

The increasing internet sale of spectacles and contact lenses is a challenge to all professional practices as is the growth in optical outlets in supermarkets. As indicated elsewhere in this report, optical practices provide an excellent and professional service; but some complaints to the OCCS indicate that occasionally there is a tendency for aggressive marketing

of a product or service that is actually not in the consumer's interest, or which even affects his/her clinical care.

The challenges of a competitive market place and the consumer's freedom of choice can bring advantages to all, but not if commercial drive results in deterioration of professional standards in what essentially is health care.

## The OCCS objectives:

- To be easily accessible to patients and practitioners by presenting its services as widely as possible in a user-friendly way.
- To resolve complaints as swiftly as possible following full consultation with the parties involved.
- To be impartial and to be seen to be so in the investigation and resolution of complaints.
- To have fair procedures, supported by expert advice, in the conduct of a mediation process.
- To be effective and efficient in its use of resources.
- To be publicly accountable by publishing an annual report.
- To make a contribution to the encouragement of high standards in the optical professions by drawing attention in the Annual Report to any significant matters which emerge from the work of the OCCS; and maintaining close liaison with the professions, their representatives and consumer bodies to promote the interests of all parties who might wish to use the service.