



# How We Can Help



We are an independent and free service for consumers (patients) of optical care and the professionals providing that care. Our service is funded by the General Optical Council which regulates opticians, optometrists (ophthalmic opticians), dispensing opticians and any practice which offers their services.

All opticians and optometry practices should have their own internal complaints procedure to deal with any complaints raised by consumers; most concerns are resolved informally.

When a complaint cannot be resolved, we offer an impartial facility to help obtain a satisfactory outcome, quickly and fairly.

We are respectful of equality and diversity – anyone who makes a complaint, and anyone against whom a complaint is made, will be treated fairly no matter their background or circumstances.

## WHAT WE DO

### The OCCS Mediation Process

Mediation attempts to resolve problems without taking sides, making judgments or giving legal advice. We will offer guidance, ensure good communication and help both parties to reach an agreement.

We will listen to the consumer's complaint and gather information to establish what has happened. We will then work with both parties to help reach a fair resolution.

By exploring why the consumer is dissatisfied, and listening to both sides, we will support everyone involved to work towards a solution.



The OCCS mediation process is:

- Confidential
- Impartial
- Resolution focused

Our aim is to settle complaints about opticians efficiently, working with both parties to reach a solution that they are both happy with – whether that is an apology, remedial treatment, a refund or referral to another professional. We cannot award or recommend compensation. The resolutions can be different to those available in legal proceedings, i.e. going to court.

As well as a complete complaints mediation service, we can also:

- Give guidance to optical professionals on how to resolve a complaint; and
- Provide initial assistance to consumers who may not be confident or able to raise a complaint alone.

Our mediation process is intended to be informal, and neither party needs legal representation. The consumer can choose to appoint a friend or family member to act as their representative if they would prefer to do so.

### WHO CAN COMPLAIN TO US?

Anyone can lodge a complaint with the OCCS if they are receiving, have received or have been refused goods or services from an optician and that optician or business is registered with the General Optical Council.

### WHAT COMPLAINTS CAN WE HELP WITH?

We can help resolve consumer complaints about the goods they have received (glasses, contact lenses etc.) and/or the service provided from the practitioner, or if they have been refused any of these.

Consumers are recommended to contact us where they feel that the optician did not provide an appropriate standard of service or goods fit for purpose.

Sometimes the level of customer service received in a practice may not reach the level or standard that the consumer expected or desired. Customer service complaints can be quite emotive and are sometimes difficult to resolve, especially if both parties do not agree regarding the events that took place.

We, as a mediation service, will discuss the consumer concerns with the practice, the service levels provided and the policies and procedures the practice has in place to deal with complaints effectively. We will not make a judgement, find fault or change the level of customer service offered in the practice.

Mediation explores why the consumer is unhappy, why the complaint is continuing and how it can be resolved.

### WHEN CAN A COMPLAINT BE REFERRED?

Consumers are advised to contact the practice to express their dissatisfaction as soon as possible.





Every practice should have a formal complaints procedure and a person responsible for dealing with complaints.

Practitioners and consumers can contact us at any stage if they wish to speak to someone impartial during this initial complaint process, however, we recommend:

- That the practice tries to resolve the complaint within eight weeks of being made (following guidance issued by their representative organisations).
- If the practice does not respond within eight weeks, consumers may refer their If the practice's final response to the consumer does not resolve the complaint, consumers may contact us as soon as possible.

We recommend that complaints be raised with the practice as soon as possible. If a complaint has not been raised within 12 months, the OCCS may not be able to assist.

A complaint can be referred to the OCCS within 12 months of the final response from the practice i.e. where the practice state that they are unable to resolve the complaint.

## WHAT COMPLAINTS CAN'T WE HELP WITH?

We can only mediate complaints involving professionals and practices which are regulated by the General Optical Council. We cannot help with complaints about:

### **Laser Eye Surgery Performed by an Ophthalmologist/Consultant Ophthalmic Surgeon**

They are regulated by the General Medical Council and the consumer's complaint should be directed to them. We can only assist if the laser eye surgery is provided by a business registered by the General Optical Council.

### **Practices or Professionals Not Regulated by the General Optical Council**

We will refer the consumer to Trading Standards, or they may wish to consider making a small claim in the county court. If the consumer's optical care was provided by the NHS, they will need to use the relevant NHS complaints procedure.

Some complaints involving professionals and practices which are regulated by the General Optical Council cannot be mediated by the OCCS, such as:

### **Fitness to Practise and/or Inappropriate Behaviour**

The OCCS works to resolve complaints proportionately and collaboratively. In order to maintain trust and confidence in the profession, the OCCS is obliged to refer circumstances which involve potential allegations of impaired fitness to practise to the GOC for review. This is incredibly rare. The GOC will then determine whether an investigation should be opened. In the event that the OCCS is obliged to make a referral to the GOC Fitness to Practise team, we will seek to inform the registrant involved.

### **Possible Negligence**

If the consumer feels that the optical care they have received was possible negligent, they will need to speak to a solicitor specialising in clinical negligence.





If issues of this nature could potentially arise in a complaint referred to the OCCS, the OCCS will encourage a practice or individual optical professional to seek input from their professional indemnity insurers before responding further within the mediation.

### **Compensation**

Consumer statutory rights do not give consumers a right to compensation for inconvenience or distress. We will mediate the issue and goodwill gestures can occasionally be appropriate. The law in Scotland does offer different remedies. We do not pursue compensation.

### **Complaints About Charges or Goods Which Are Available Cheaper Elsewhere**

These do not fall within the remit of the relevant consumer legislation.

### **Complaints About NHS Treatment**

Although we do advise consumers to contact us to discuss their complaint as we may be able to assist if it relates to a product purchased with the help of an NHS voucher.

If you are unsure whether your circumstances fall within these areas, please call us for more information.

## **HOW CAN A COMPLAINT BE REFERRED?**

We can be contacted by:

- Calling us on [0344 800 5071](tel:03448005071)  
Our lines are open on Monday to Friday between 8am – 6pm
- Emailing us at [enquiries@opticalcomplaints.co.uk](mailto:enquiries@opticalcomplaints.co.uk)
- Completing the complaint form at [www.opticalcomplaints.co.uk](http://www.opticalcomplaints.co.uk)
- If you would prefer to write to us, please call us for more details.

We would encourage practices to provide consumers with the contact details for the OCCS and for the consumer to make the referral.

Practices are very welcome to contact the OCCS team to discuss a complaint, but we remind practices of their data protection obligations and duty of confidentiality before they provide the OCCS with any personal data relating to individual consumers.

## **WHAT HAPPENS NEXT?**

- We ask the consumer to complete a form to allow the practice to release their optical records and provide all the relevant information
- We contact the practice and obtain all the information we need to understand the consumer's complaint
- We contact the consumer and the practice to discuss a solution
- When a solution is found, we will help to implement this

Importantly, we ask both the consumer and practitioner how we have done and listen to the feedback to continuously improve the mediation service.





Either party can end the mediation process at any time. Participating in mediation does not restrict the right to take further legal action, but we do ask that neither party do so while the mediation process is ongoing.

Please visit [www.opticalcomplaints.co.uk](http://www.opticalcomplaints.co.uk) for more details.

## EQUALITY AND DIVERSITY

We are committed to eliminating unlawful discrimination and promoting equality and diversity within our policies, practices and procedures, including the delivery of our mediation service to both the consumer and the practitioner.

We will treat everyone equally and with the same attention, courtesy and respect regardless of age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage or civil partnership status, pregnancy and maternity or caring responsibility.

## HOW TO REFER A COMPLAINT TO US AND HOW WE WILL DEAL WITH THE COMPLAINT

- Following either a direct contact or email enquiry, we will contact the consumer within five days – by either telephone or email as requested
- We will confirm the consumer's details and the details the practitioner. We will then consider whether we can mediate to resolve the complaint. We will ask for the consumer's view as to a successful outcome
- We will contact practice and request information and documents from them. We will acknowledge the consumer's complaint, request any further documentation (including the release of records if necessary), and provide a timescale
- We will review the complaint and contact the consumer and practitioner to begin mediation to find a solution that is acceptable for both parties
- If a resolution is reached, we will execute that solution and confirm this to both parties in writing. We will then ask for feedback on the mediation process
- If a solution cannot be agreed, we can refer the complaint to a senior mediator. They will review and see if any further steps can be taken to resolve the consumer's complaint

If the solution proposed is not accepted by either party, the complaint may be referred to a Senior Resolution Manager for review. If the complaint is not resolved, it is open to either party to continue with the complaint, which can include taking the matter to court and issuing legal proceedings where appropriate.

### FAQS

#### Can I call for confidential advice?

Yes. We are happy to receive calls or emails from practitioners who would like to discuss a particular complain or if you would like advice on complaint mediation or avoidance. We do not offer professional advice, but your membership organisations will be able to help with this.



**Who's side are you on?**

The OCCS is an independent service. We are funded from the General Optical Council registration fee. We do not take sides, and as mediators, our job is to move the complaint forward so that a resolution can be found. We will listen and do not judge.

**Will we be in a three-way conversation – consumer/practice and OCCS?**

No, our mediation process is all telephone based with individual calls with each party. One of our team members will speak to each of you in turn and then explore the issues raised during the calls.

