



GUIDE FOR CONSUMERS



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 normally resolved informally.

When a complaint cannot be resolved, then the OCCS offers an impartial facility to help obtain a satisfactory outcome. We understand that it is important that this is done fairly and quickly. We are respectful of equality and diversity - anyone who makes a complaint and anyone against whom a complaint is made will be treated fairly, whatever their background or circumstances.

WHAT WE DO

The Mediation Process

Mediation attempts to resolve problems without taking sides, making judgements or giving legal advice. We will offer guidance, ensure good communication and help you and the practitioner to reach an agreement.

We will listen to your complaint and gather information to establish what has happened. We will then work with you and the practitioner involved to help reach a fair resolution.

By exploring why you are dissatisfied, and listening to both sides, we 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 you and your optician to reach a solution that you 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 provide initial assistance to you if you are not confident or able to raise a complaint alone.

Our process is intended to be informal and you do not need legal representation. You can appoint a friend or family to act as your representative if you would prefer to do so.

WHO CAN COMPLAIN TO US?

You can lodge a complaint with us if you 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?

Sometimes the level of customer service received in a practice may not reach the level or standard that you expected or desired.

We can help resolve complaints about goods you have received (glasses, contact lenses, etc.) and/or the service provided by your optician, or if you have been refused any of these.

Please contact us if you feel that your optician did not provide an appropriate standard of service or goods which are fit for purpose.

WHEN CAN A COMPLAINT BE REFERRED?

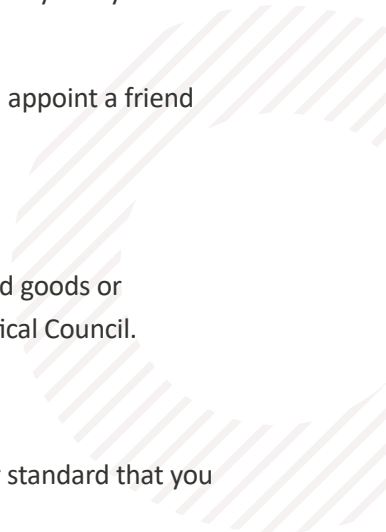
The first step is to contact the practice and tell them you are unhappy as soon as possible.

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

You may contact us at any stage if you want to speak to someone impartial during this initial complaint process; however, we would recommend contacting us if:

- Your optician does not respond to your complaint within eight weeks; or
- Your optician's final response does not resolve your complaint.

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 your 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 you to Trading Standards, or you may wish to consider making a small claim in the county court. If your optical care was provided by the NHS, you would 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

If there is any concern that your optician is unfit to practice or behaving inappropriately, we will immediately refer your complaint to the General Optical Council. This includes failure to diagnose a serious medical condition or other malpractice. The General Optical Council regulates all optical professionals in the UK and authorises them to practice. You can contact them by calling 020 7580 3898 or visit www.optical.org.uk.

Possible Negligence

If you feel the optical care you have received was negligent, you will need to speak to a solicitor specialising in clinical negligence.

Compensation

Consumer statutory rights do not give you a right to compensation for inconvenience or distress. We will mediate your 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

We would advise you to contact us to discuss your complaint as we may be able to help you if your complaint relates to a product purchased with the help of a 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?

If your complaint cannot be resolved with the practice, you can refer your complaint to us by:

- Calling us on [0344 800 5071](tel:0344 800 5071)
- Our lines are open on Monday to Friday between 8am – 6pm
- Emailing us at enquiries@opticalcomplaints.co.uk
- Completing the complaint form at www.opticalcomplaints.co.uk

If you would prefer to write to us, please call us for more details.

WHAT HAPPENS NEXT?

- We will ask you to complete a form to allow the practice to release your optical records and provide us with the relevant information;
- We will contact the practice and obtain all the information we need to understand your complaint;
- We will contact you and the practice to discuss a solution;
- We will help to implement a solution once it has been found;
- 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.
- We will ask you how we have done, and listen to your feedback to continue to improve our mediation service.

Either you, or your optician, can end the mediation process at any time.

Participating in mediation does not restrict your right to take further legal action, but we would ask that neither you nor your optician do so while the mediation process is ongoing.

Please visit 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 you and your optician.

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 YOUR COMPLAINT

- Following either a direct contact or email enquiry, we will contact you within five days – by either telephone or email as requested
- We will confirm your details and the details of your optician. We will then consider whether we can mediate to resolve your complaint. We will ask for your view as to a successful outcome





- We will contact your optician and request information and documents from them. We will acknowledge your complaint, request any further documentation (including the release of records if necessary), and provide a timescale
- We will review the complaint and contact both you and your optician 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 you and your optician in writing. We will then ask you both for your 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 your complaint
- If the proposed solution hasn't been accepted by you or the optician, your 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 you represent me in my complaint?

We provide impartial mediation. This means that we do not represent either you or the practice. We remain impartial to help you both understand why the complaint is ongoing and explore how it can be resolved. If you need independent legal advice, we can provide details for The Law Society and other organisations across the four nations.

I want compensation for all the stress caused by this complaint...

We do not offer legal advice, but we do give an overview of the relevant consumer rights. These apply differently in optics as you are buying a unique, bespoke product. The Consumer Rights in the UK do not give you a right to compensation for inconvenience or distress. The law in Scotland does differ slightly. For an overview of consumer rights, please visit our website.

We do not impose a solution. Our process helps both parties to find a resolution. We will not order a practice to offer a certain proposal, whether than be compensation, refund or replacement product. Mediation enables all possible solutions to be explored.

You must agree that I have been treated unfairly?

As an impartial mediation service, we cannot express any personal views on a complaint. Our own views are not relevant to finding a solution. We work with you and your optician to find a solution that you can both accept, so only the views of you and your optician will be addressed when finding a resolution.

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.

