



**Optical Consumer  
Complaints Service**

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## **Mediation and the New Normal**

Reflections 2022-23



# Introduction

A year that may be remembered as the year that replaced “social distancing” with “cost-of-living”, it will remain some time before we can confidently say whether or not it was the beginning of “the new normal”. All buzzwords aside, there can be no doubt that the past year has been defined by rising inflation rather than the effects of the Covid-19 pandemic. Unquestionably a significant shift in terms of consumer behaviour, this altogether new trend has challenged the optical sector in a novel way. In particular, practices are now faced with complaints which are firmly rooted in financial anxieties, causing them to be far less willing to accept a goodwill gesture as a form of resolution. Quantifying and reviewing all of the work that has been carried out by the OCCS, this Annual Report explores the various complaint types and work that the service is carrying out to make the sector perform more efficiently and effectively.

**Jennie Jones,**  
**Head of OCCS**  
**Partner at Nockolds Resolution**



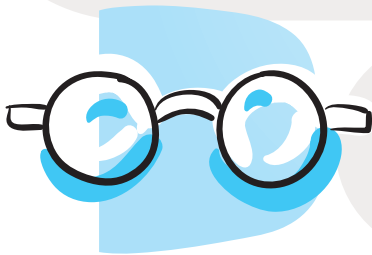
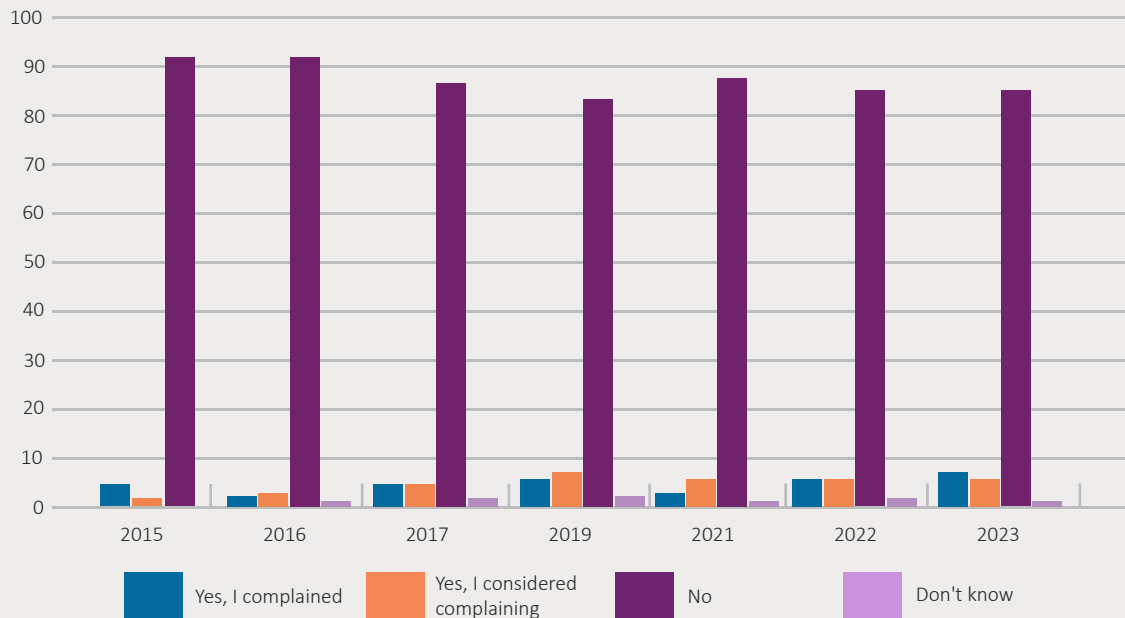


# Executive Summary

The following report reveals how the OCCS continues to operate against a backdrop that is largely impacted by the same financial pressures which defined 2021-22. Of course, this particular issue has far from abated and is indeed increasing in impact. With this in mind, the positive resolution rates and improved timescales serve as highly encouraging signs that the OCCS remains more valuable to consumers and practices than ever before.

## COMPLAINT INCIDENCE OVER TIME\*

\*All those who have ever visited an optician/had a sight test/eye examination



With this in mind, the positive resolution rates and improved timescales serve as highly encouraging signs that the OCCS remains more valuable to consumers and practices than ever before.

### KEY STATS:

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1707 complaints received between 1st April 2022 - 31st March 2023, representing a 2% decrease YoY\*  
\*Year on Year comparison

✓

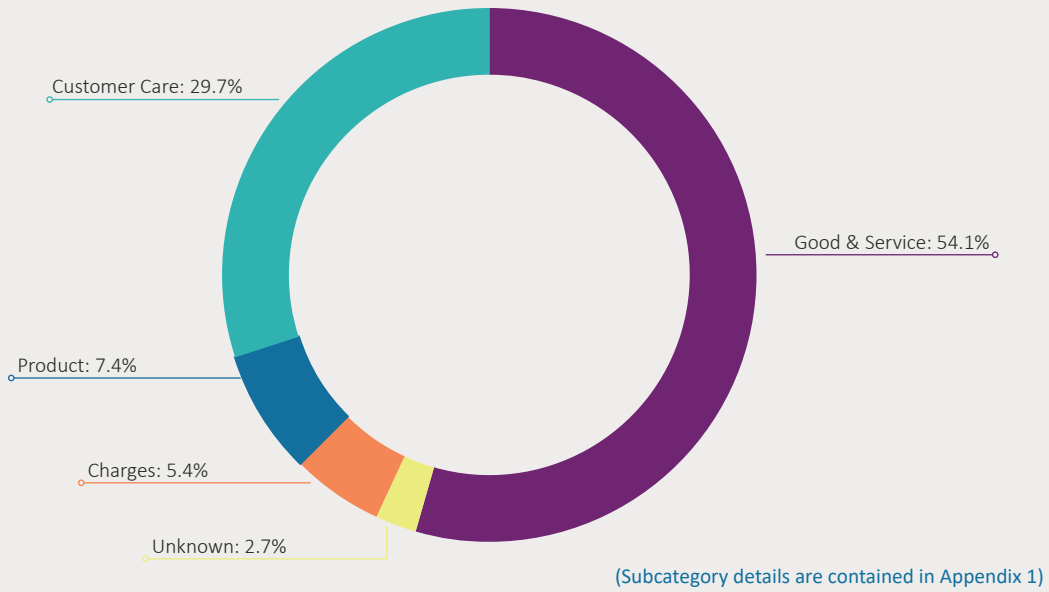
1603 complaints/enquiries closed during 2022-23

✓

93% of complaints were consumer-related complaints which fell inside of the OCCS' remit and were handled by the service

✓

94% of referrals resolved or concluded within OCCS mediation



Of the complaints that were resolved using mediation between 2022-23, the greatest share was attributed to the category of Goods & Services. Representing a 10% increase on this category when compared with last year, it is possible that this illustrates the effects of the cost-of-living crisis. More specifically, a greater number of people complaining over goods and services suggests that there is a lower tolerance for imperfections and a higher expectation than there was before. This view is supported by previous yearly data that tells us that complaints relating to Goods and Services have grown by 20% over the past two years.

Elsewhere, all of the categories remain within a 2 to 3% differential. This consistency compounds the suggestion that complaints in the optical sector are beginning to settle into a “new normal” that will likely remain for as long as economic conditions remain highly challenging to consumers and practices.



### TIMESCALES

Timescales	Average number of days from receipt of the enquiry to the conclusion of the OCCS involvement	0 - 45 days	46 - 90 days	+90 days
All	14.1 (+1.7 days)	91% (=)	7% (=)	2% (=)
Mediated	39 days (=)	60% (+10%)	30% (-9%)	10% (+2%)

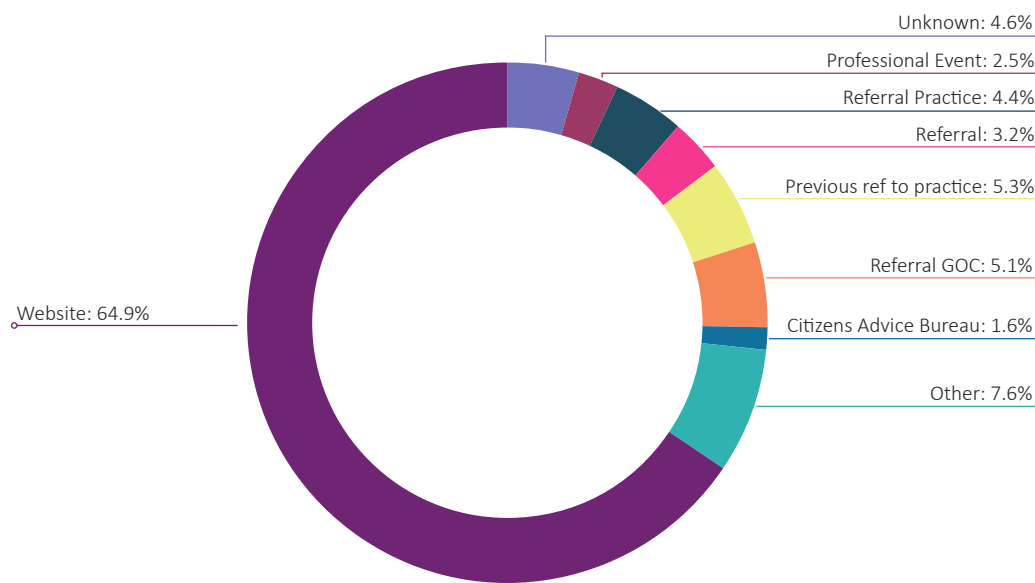




# OCCS Overview

Between 1st April 2022 and 31st March 2023, the OCCS received 1707 complaints, 1588 of which fell into remit, which is consistent with activity in 2021-22. Of course, it is crucial to keep in mind that last year's total represented a 21.5% rise in complaints submitted to the OCCS when compared to 2019-20, the service has maintained its position as an effective resource for those seeking to settle a dispute regarding their experience with the optical sector.

## ACCESSING THE OCCS



(Source data is contained in Appendix 1)





## Direct Access

A total of 65% of those contacting the OCCS revealed they found out about the OCCS online, via search engines and the online presence. This is a modest 5% decline on the previous year's data and there are certainly other key points of interest when analysing where service users source information about escalating their complaint.

- Practice Referrals - these are examples of where a practice referenced the OCCS in their complaint response or policy, and the consumer states that this to be how they came to contact the OCCS. These accounted for 2.5% of all enquiries, which is consistent with referrals as took place last year. In real terms this meant that 75 complaints came by way of referral by practices.
- The Citizens Advice Bureau continues to be a helpful source of information for consumers, and leads them to the OCCS, bringing a total of 27 consumers to the service in 2022-23.
- Professional events also enabled the OCCS to extend the reach of its service, with 44 disputes being referred to the OCCS as a result of an optical professional attending an event where the OCCS were present.

## Remit

93% of enquiries received fell within the consumer complaints remit of the OCCS, with 124 enquiries being signposted to other organisations or falling outside the OCCS remit:

- a) Practice not registered with the GOC or no GOC registrant involvement (44, an increase of 8 when compared to 2021-22)

A critical aspect of the OCCS role is ensuring that any complaint circumstance involving potential allegations of impaired fitness to practice received by the OCCS, are referred to the GOC in order to protect the public. While these events are few and far between, it is essential that this monitoring and safeguarding aspect of our triage and mediation management is effective. The OCCS team have a good understanding of the issues and concerns which may amount to an impaired fitness to practise. This is reinforced through training and interaction with the GOC FtP team so both teams have a detailed working knowledge of how the roles differ and support each other to deliver timely and effective resolution.

- b) The complainant was seeking compensation arising from the alleged negligence of the optical professional (41, an increase of 22 when compared to 2021-22)





In terms of the most significant increase in complaint types - those seeking compensation - the increasing effects of the cost-of-living crisis may be influencing the remedy sought by a consumer. For a claim for compensation to be pursued, the consumer would have to establish harm due to negligence or breach of contract. Analysis of the complaints in the category do not suggest that we are seeing more potentially negligent care. Indeed, the growing number of consumers who insist that their dispute can only be resolved by way of financial remuneration is a clear sign that economic hardship is surfacing in the sector.

- c) Practice not registered with the GOC or no GOC registrant involvement (44, an increase of 8 when compared to 2021-22)

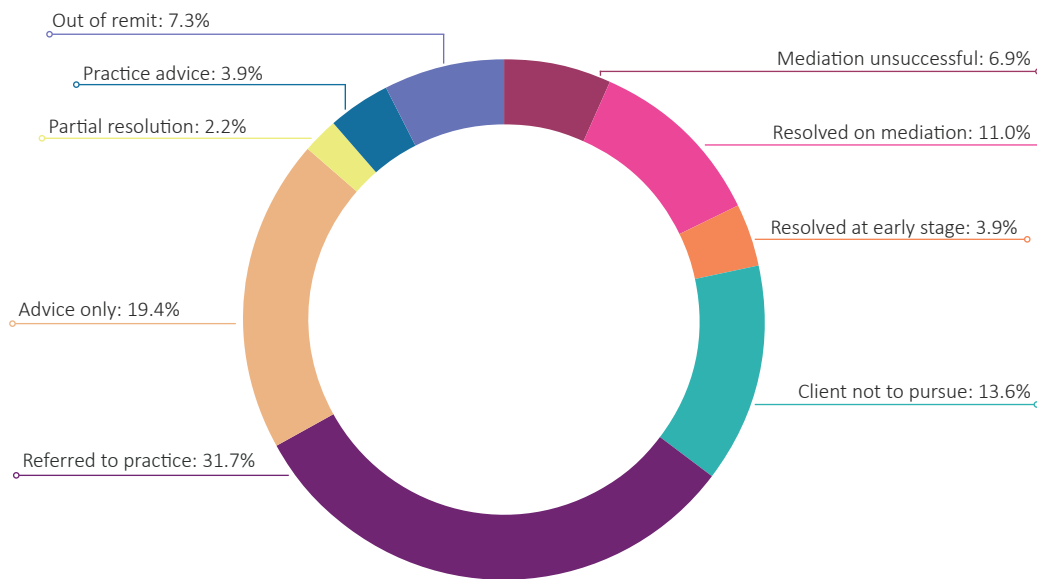




# Outcomes

With a consistent number of complaints, it remains to explore performance and outcomes when compared with our previous annual report. Indeed, it is only by exploring the breakdown of outcomes that it is possible to determine whether mediation has been more or less successful than in previous years.

Reviewing the 1603 referrals that were closed by the OCCS in 2022-23, the following outcomes were reached:



In the past year, 8% of referrals were assessed as being out of OCCS remit, which is a marginal 2% increase on those which were out of remit in 2021-22. Details of the signposting and reasons why a complaint is triaged as being out of remit are detailed above.

## PRACTICE ADVICE


OCCS receive contacts from optical practices seeking assistance and support with local resolution of complaints. In 2022-23, the OCCS remained consistent with last year's outcomes, resolving 66 disputes through advice alone. The OCCS proactively invites practices to contact the service for early advice and guidance, which supports early and effective local resolution.

Qualitative analysis suggests that maintaining the large increase in Practice advice referrals that occurred in 2021-22 to:

- The OCCS has grown its profile over recent years, making it easier for consumers and practices to be aware of the service;
- An ongoing confidence in the OCCS and its ability to safely and efficiently handle complaint resolution.





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- The heightened tension produced by the cost-of-living crisis which has led to lower thresholds for complaints to be made. In other words, there is a larger number of easily solved complaints due to the parameters for a complaint being increased.


## PRELIMINARY MEDIATION SUPPORTING LOCAL RESOLUTION

Just under a third of OCCS enquiries are received when the matter is or should be within the practices' complaint process, and therefore could still be resolved at a local level, so are supported to return to the practice. in a local resolution phase.

The OCCS team is highly involved in this stage, seeking to calm, de-escalate and enable complaints to progress constructively. In some cases, the consumer has started the complaint process but is disappointed that this has not progressed to their satisfaction. In other cases, the complaint has not yet been raised with the practice, and consumers are seeking input. Complaints being referred to the OCCS at this stage was also the dominant category last year, suggesting this has largely remained consistent with last year's outcomes. Some complaints at this stage (still at practice level) are addressed through interaction with the OCCS (i.e., with OCCS "Advice Only"). This accounts for a fifth of OCCS enquiries.

The OCCS team combines optical sector insights with mediation resolution techniques to provide support and guidance at the point of initial contact by the consumer. If local resolution is proving to be an ineffective approach, the complaint can return to the OCCS and will be progressed to full mediation.

Where the complaint is still within the local resolution phase. The OCCS will explore with the consumer:

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- The exact nature of the complaint;
  - What measures have been undertaken to resolve the complaint;
  - If no contact has been made with the practice, how the complaint should be presented and the focus needed to help aid swift and local resolution;
  - Why the input by the practice so far has not resolved the complaint ;
  - The basis, root cause and desired outcome for the complaint to assist the consumer in formulating and articulating a reasonable and focused complaint in their interaction with the practice.

95% of these interactions are successfully returned to the practice for local resolution. and the complaint does not return to the OCCS.

In 2021-22, the OCCS saw a 22% year on year increase in the number of complaints assisted at this stage. The OCCS has seen this level of activity remain steady in 2022-23.

The OCCS continues to analyse these complaints to share real time updates and guidance for practices to access during the year, to help minimise recurrence and pro-actively adjust ways of working or team focus.



## CONSUMER NOT TO PURSUE

In 13% of enquiries within the OCCS remit in 2022-23, the consumer opted not to proceed with mediation, even when local resolution is exhausted. This is consistent with previous years, representing a marginal 3% increase when put in the context of year-on-year data.

There are a number of reasons for this. The consumer may:

- Decide they want an investigative, adjudication so may consider legal proceedings;
- Fail to engage further and do not return the Agreement to Mediate document;
- Consider that they do not wish to pursue the complaint further, but that their issues have been logged with the OCCS.

The OCCS does explore the reasoning behind any proposed formal escalation (such as legal proceedings or contact with the GOC) to ensure the consumer has made a fully informed decision not to try mediation over any formal adjudication. The marginal increase is likely to be linked to societal attitudes and a stronger tendency to seek a 'judgment' or a finding by some consumers, meaning they consider a legal process the more desirable option. They are made aware of the binary assessment of a dispute within court proceedings and that the proceedings can be costly and lengthy, particularly given the current judicial backlogs.

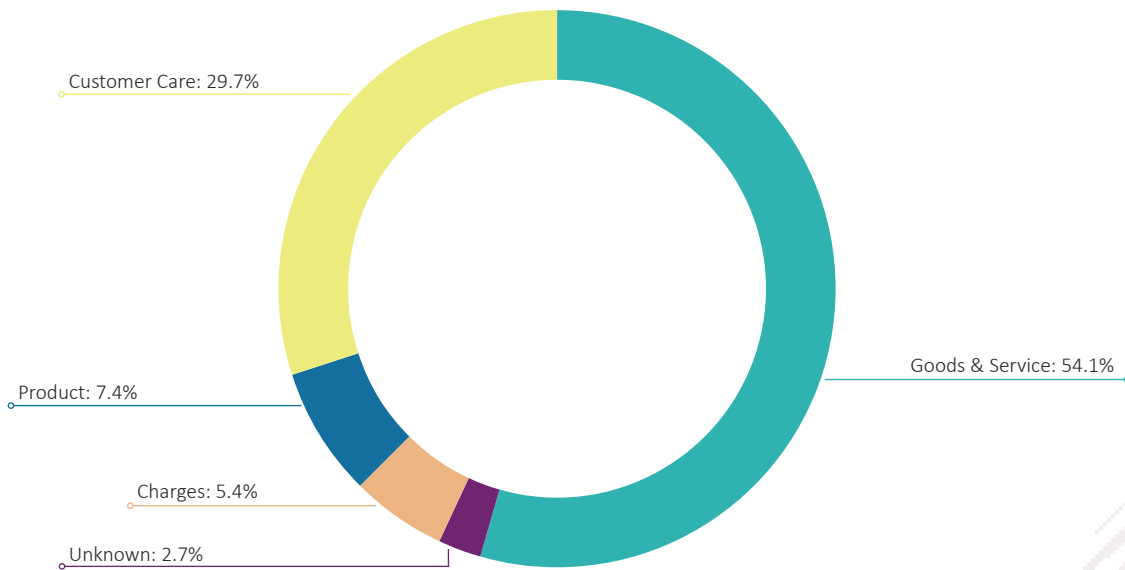
## MEDIATIONS

Where local resolution is unable to successfully address and conclude a complaint, the OCCS will engage with the consumer and the practice to mediate the complaint.

The OCCS concluded 12% fewer mediations in 2022-23, than in 2021-22 (385), and this is in the context of a 2% YoY overall decrease in referrals but noting this sees a return to the mediation activity levels prior to the pandemic. The assigned OCCS Resolution Manager will mediate between the consumer and the practice to assist in finding a resolution acceptable to both parties.

There is little variation in the outcomes or the need for full mediation in different types of complaint, save that complaints relating to charges and offers are more likely to be resolved at an earlier stage, without the need for full mediation.





Of the complaints which were resolved using mediation between 2022-23, the majority were attributed to the category of Goods & Services. Representing a 10% increase on this category when compared with last year, it is possible that this illustrates the effects of the cost-of-living crisis. More specifically, a greater number of people complaining over goods and services suggests that there is a lower tolerance for imperfections and a higher expectation than there was before. This view is supported by previous yearly data that tells us that complaints relating to Goods and Services have grown by 20% over the past two years.

In 6% of OCCS enquiries the mediation concluded without a resolution. This was a slight increase from 4% in 2021-22. Qualitative insight suggests this may be linked to several factors:

- Consumers more committed to a financial resolution;
- Thresholds to complain and seek a financial resolution are lower; and
- Commercial decision-makers in practice being more reticent to offer or increase financial resolutions.

## RESOLUTIONS

The resolutions mediated within the OCCS process range from:

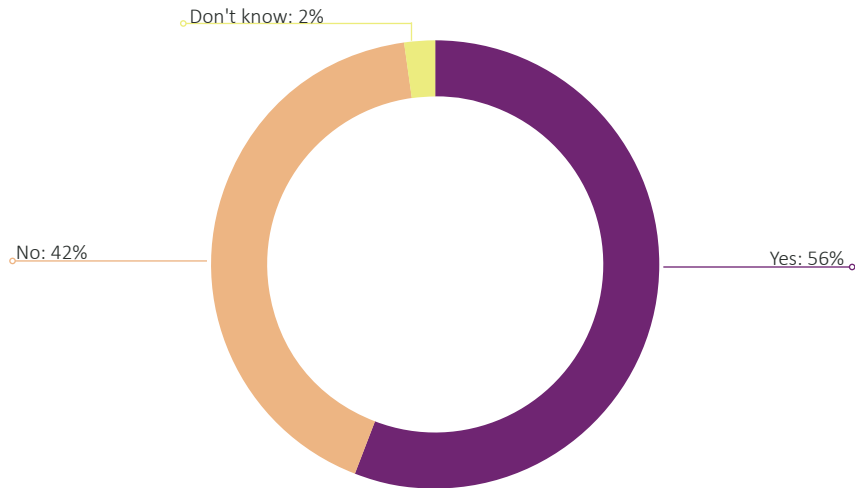
- Supporting the consumer to return to the practice for a further consultation, adjustment or replacement product
- Partial or full refunds
- Apologies
- Supplementary and complementary product supplied
- NHS voucher reinstatement.





## APOLOGY RECEIVED?

When raising a complaint, % of consumers who received an apology from the optical practice. (GOC Public Perceptions m.e.I research 2023).



Altogether, the similarities with last year's data suggest that resolution rates have maintained fairly consistent despite an increasingly challenging economic climate. Making the close rate even more significant and representative of success, the ability to remain resilient in the face of an incredibly difficult economic climate is a highly encouraging sign when considering the work of the OCCS.

## Timelines

(Comparison to 2021-22)

Timescales	Average number of days from receipt of the enquiry to the conclusion of the OCCS involvement	0 - 45 days	46 - 90 days	+90 days
All	14.1 (+1.7 days)	91% (=)	7% (=)	2% (=)
Mediated	39 days (=)	60% (+10%)	30% (-9%)	10% (+2%)
Refractive surgery related mediations	66 days	33% (-15%)	49% (+22)	19% (-6%)

Overall the duration of the OCCS process has remained steady at around 14 days.

Mediation continue to be an efficient and effective resolution method. In 2022-23, more mediations were concluded in the 45 day period, than in the previous year, with the overall proportion of mediations concluded within 90 days remaining consistent. Mediations relating to refractive surgery, saw an increase in mediations concluded within 45-90 days, but a fall in the number of mediations taking longer than 90 days.





# Conclusion

2022-23 has been a year of the 'New Normal'. The consumer/practice relationship has continued to be placed under pressure with societal attitudes remaining 'tense' and the cost-of-living crisis placing more emphasis than ever, on value for money and expectations. The OCCS has played an important role in providing a resolution pathway for those increased tensions, illustrated by GOC enquiries not increasing in 2022-23, and the OCCS outputs remaining steady in a more challenging complaint landscape. As we look to 2023-24 and beyond, the OCCS understands the need to support optical professionals and practices to meet the challenge of high expectations, lower thresholds for complaint escalation and financial focus on complaint resolution, to improve compassionate and effective consumer interactions and reduce complaints.

While adapting to the 'New Normal' is crucial, the evidence (23 million sight tests are conducted a year, the results of the recent public perceptions survey, and the 1,707 referrals received by the OCCS) shows that the relationship between consumers and optical professionals continues to be built on trust and a commitment to achieve the best possible vision for patients. The OCCS will continue to support that trust and confidence, and continuous improvement throughout the sector.

