



## **Working Together - Policy Statement**

### **1. Introduction**

The purpose of this statement is to set out clearly, for both complainants and registrants, how the General Optical Council (GOC) and the Optical Consumer Complaints Service (OCCS) will work together both generally and in resolving complaints against GOC-registered individuals and businesses ('registrants').

Both organisations understand that the complaint process can be difficult and stressful for all parties. We believe that there are adjustments we can make to our current working relationship that will help us to achieve our joint goals of protecting the public and of investigating/mediating complaints as swiftly and as smoothly as possible.

The GOC's aim is to deliver effective, proportionate and fair public protection. The role of the OCCS in mediating consumer complaints contributes to achieving this objective by providing consumers with a forum to raise consumer concerns or complaints, some or all of which do not necessitate investigation by the GOC.

### **2. Simultaneous Proceedings**

It is not uncommon for complaints to be made against registrants that cut across both the GOC's fitness to practise jurisdiction and the OCCS's mediation function relating to consumer complaints.

Historically, the GOC and the OCCS have not undertaken simultaneous investigations/enquiries in these circumstances. Both organisations have been conscious that such an approach may be considered unduly onerous on the registrant. In general terms, this remains our joint view. However, in certain limited scenarios, it will now be our practice to conduct GOC fitness to practise proceedings concurrently with the OCCS consumer mediation process.

In determining whether or not to proceed simultaneously we will place public protection at the forefront of our decision-making process.

An example of when we may undertake simultaneous proceedings would be when a patient makes a serious fitness to practise complaint but also has an immediate need for the return or replacement of their spectacles from the practice complained about. Our view in these circumstances will be that the GOC's public protection function makes it imperative for the GOC to open its own proceedings straight away. As the GOC does not have a consumer function, and the patient has an immediate need, the GOC would also ask the OCCS to simultaneously take forward the aspect of the complaint that relates to the return/replacement of the spectacles. If the initial complaint were made to the OCCS, the OCCS would take forward the consumer angle and refer the fitness to practise complaint to the GOC.

In any circumstances where the GOC and OCCS undertake simultaneous activity we will very clearly inform both the registrant and the complainant which aspects of the complaint are being handled by which organisation.

In these cases the OCCS will share the outcome of its mediation process with the GOC. This is on the basis that the outcome of that process is likely to be relevant to the GOC proceedings.

The GOC will **not** share the outcome of its fitness to practise proceedings with the OCCS as this is not relevant to the OCCS function.

### **3. Sharing Information**

The service provided by the OCCS is funded by the GOC. The GOC and the OCCS are both mindful of their responsibilities in respect of the proportionate and secure sharing and storage of personal data.

For the purpose of enabling the OCCS to carry out its mediation role, the GOC will share information with the OCCS as follows:

- Permitting the OCCS to access the GOC public register;
- In cases of doubt, confirming to the OCCS the registration status of any individual or business;
- When requested, to avoid duplication of proceedings, confirming whether a registered individual or business is **currently** subject to fitness to practise proceedings

The OCCS will share information with the GOC as follows:

- Regular provision of caseload data (including details of complainants and outcomes) via a secure mechanism. This is to enable the GOC to detect possible duplication of processes and to evaluate the effectiveness and value for money of the service provided by the OCCS.

In all other circumstances, the GOC and the OCCS will apply a public interest test to the sharing of information.

Details of Registrants who are involved in a consumer complaint received by the OCCS will only be shared by the OCCS with the GOC:

- Where the factual circumstances and the information received by the OCCS in a specific complaint indicate there may have been a potential breach of the code of conduct or other fitness to practice issue which a GOC registrant would be obliged, under the code of conduct to report to the GOC;
- Where the consumer specifically requests the OCCS to inform the GOC and/or provide information;
- Where the OCCS receives a disproportionate number of complaints concerning a Registrant (individual or business);  
or,
- In other circumstances where it is in the patient's or the wider interest of the public or the professions for the Registrant's details to be shared with the GOC

#### **4. Signposting**

In most cases, when either the OCCS or the GOC receive a complaint that is more appropriate to the other organisation we will advise the complainant to lodge their concerns direct with the other organisation.

In certain circumstances, we will pass the complaint directly to the other organisation. For example:

- When a complaint is lodged with the OCCS that raise clear public protection concerns;
- When there is a fitness to practise complaint lodged with the OCCS and the OCCS is of the opinion that the complainant is unlikely or unwilling to submit their concerns to the GOC;
- Anonymous fitness to practise complaints received by the OCCS;
- Where the complainant requires support in pursuing their complaint.