



How to complain about an optician

Information for you

About this booklet

This booklet tells you what to do if you are unhappy with the care you have received from an optician who is registered with the General Optical Council (the GOC).

Our mission is to protect and promote the health and safety of the public.

About us

We regulate opticians and optical businesses in the UK. There are currently around 29,000 optometrists, dispensing opticians, student opticians and optical businesses on our registers.

An **optometrist** is the person who tests your sight.

A **dispensing optician** is the person who fits and supplies your glasses or contact lenses.

Optometrists and dispensing opticians are often referred to using the term '**optician**'.

Individuals who are registered with us are often referred to using the term '**registrant**'.

We use both these terms in this booklet to make it easier for you.

What do we do?

We protect the public by:

- » setting standards for optical education, training, performance and behaviour
- » approving the qualifications that lead to registration
- » publishing a register of opticians, students and optical businesses in the UK; and
- » investigating and acting on concerns that a registrant is not fit to:
 - » practise,
 - » train as an optician, or
 - » run a GOC-registered business.

What is fitness to practise?

If an optician is described as 'fit to practise', it means they meet the standards of health, character, knowledge, skill and behaviour that are necessary for them to do their job safely and effectively.

Our standards

We have statutory responsibility for setting standards for optometrists, dispensing opticians, optical students and optical businesses. This is set out in our Standards Framework, which makes clear that our standards should always be the first point of reference for our registrants.

We set standards in five areas:

Standards for optometrists and dispensing opticians
Standards for optical students
Standards for optical businesses

Standards for education and training
Standards for professional development

You can read these documents on our website at

www.optical.org/en/Standards/index.cfm

Who can complain?

Anyone can complain to us if they think one of our registrants is not fit to practise. We receive complaints from members of the public, patients, carers, employers, the police and other registrants.

What types of complaints can we deal with?

You should tell us if you think one of our registrants might not be fit to practise. This might be because of:

- » poor professional performance, such as failing to notice signs of eye disease
- » physical or mental health problems affecting their work
- » inappropriate behaviour, such as violence or sexual assault
- » being under the influence of alcohol or drugs at work
- » fraud or dishonesty; or
- » a criminal conviction or caution.

We can't:

- » arrange refunds or compensation
- » give you legal advice
- » give you a detailed explanation of what has happened to you during a visit to an optician
- » make a registrant apologise to you
- » order a registrant to give you access to your records
(see page 7 for the Information Commissioner's Office)

How do I complain?

If you want to complain about one of our registrants please fill in an investigation form and send it to us. A blank investigation form is attached to this booklet.

You can also download an investigation form from **www.optical.org**. To have an investigation form sent to you in the post call 020 7580 3898 (option 2).

Send your filled-in investigation form to:

Fitness to Practise Team
General Optical Council
10 Old Bailey
London
EC4M 7NG

What happens next?

When we receive a complaint about one of our registrants we take the following steps.

1. START DEALING WITH YOUR COMPLAINT

We will let you know that we have received your investigation form and what action we are going to take. We will also let the registrant involved know that we are investigating a complaint about them. At a later stage, we will send them a copy of your investigation form, and other information we have gathered about your complaint.

2. INVESTIGATE YOUR COMPLAINT

We will gather information about your complaint so we can decide what action we can take. We may need to obtain copies of your clinical records from your optician or hospital. We ask for your permission to do this on the investigation form. We may also need to gather more information from you, and may ask you to produce a witness statement explaining what happened to you.

We will send the information we have gathered to the registrant and ask them for their comments about the complaint. If we decide that the registrant has raised issues that require a response from you we will send you the registrant's comments. We will send any comments that you make to the registrant. If the registrant responds it will be our usual policy to include the registrant's additional comments in the case papers.

In some cases, usually where we expect the investigation to be particularly complex or time-consuming, we will instruct solicitors to carry out the investigation on our behalf.

3. CASE EXAMINERS

When our investigation is complete, the information we have gathered will be considered by two case examiners. One case examiner will be a lay person (who is not optically trained) and one will be a qualified optometrist or dispensing optician who is on the GOC register. The case examiners will agree what action to take. Case examiners can:

- » take no further action;
- » ask for further investigation to be carried out (if a performance or health assessment is required, case examiners will refer their recommendation to the Investigation Committee)
- » give a warning to the registrant; or
- » refer the complaint to the independent Fitness to Practise Committee, which will usually hold a public hearing to decide what action to take.
- » in referring to the Fitness to Practise Committee, direct that the Fitness to Practise Committee be asked to consider urgently whether the registrant should be made subject to an interim order (see below).

If case examiners cannot agree on what action to take, they must refer the case to the Investigation Committee.

4. INVESTIGATION COMMITTEE

The Investigation Committee is made up of GOC registrants and lay members. The Committee will consider recommendations from case examiners that the registrant undertakes a performance or health assessment.

The Committee will also consider cases where the case examiners cannot agree what action should be taken.

5. INTERIM ORDERS

If the Registrar (the Chief Executive of the GOC) or case examiners believe that a registrant is a risk to the public or themselves, or if they think there is another reason that is in the public interest, they can ask the Fitness to Practise Committee to immediately suspend the registrant from the register, or restrict the work they are allowed to do. This is called an 'interim order'.

What action can the Fitness to Practise Committee take at a public hearing?

If the Fitness to Practise Committee hearing the case decides that the registrant's fitness to practise is impaired, it can do any of the following:

Remove them from the register - this is sometimes referred to as 'erasure' or 'striking off'. The registrant's name is taken off the register, which means that they can not work as an optician (or train as an optician, or run a GOC-registered business) in the UK. If they want their name to be put back on the register in future there is a separate process that they have to go through, which includes considering the reason for their removal from the register.

Suspend them from the register - the registrant's name is temporarily taken off the register.

Conditional registration - the registrant can stay on the register as long as they keep to certain conditions, such as doing extra training or being supervised while they work.

Financial penalty - the registrant must pay a fine up to a maximum of £50,000. If the Fitness to Practise Committee decides that a registrant is fit to practise, they can still warn them about their future behaviour or performance.

If the Fitness to Practise Committee decided that the registrant's fitness to practise is not impaired, the Committee may still give a warning about their future behaviour or performance.

Is the Fitness to Practise Committee's decision final?

The decisions taken by the Fitness to Practise Committee are reviewed by the Professional Standards Authority. They are the organisation that oversees our work. They can ask the High Court to review a decision if they decide that it is too lenient.

If the registrant thinks that the Fitness to Practise Committee's decision is unfair, they can appeal that decision to the High Court.

What can I do if I'm unhappy with how you handle my complaint?

If you are unhappy with how we have handled your complaint about one of our registrants please write to:

Registrar and Chief Executive
General Optical Council
10 Old Bailey
London
EC4M 7NG

Complaints about someone pretending to be an optician

We also investigate complaints about someone who is not one of our registrants either pretending to be an optician or carrying out healthcare activities that only our registrants are allowed to do (such as eye tests, or dispensing glasses to children aged 16 or under).

We have a policy for dealing with criminal investigations and prosecutions, which we explain in our Protocol on the Investigation and Prosecution of Criminal Offences. You can find this on the 'Policies, procedures and protocols' part of our website at www.optical.org.

You can search our registers to check that your optician is registered and that they are allowed to carry out particular activities. You can do this by visiting our website at www.optical.org. If you can't use the internet, you can phone our registration team on 020 7580 3898 (choose option 1). They will be able to tell you if your optician is registered with us.

If you want to complain about someone who is not one of our registrants but who is pretending to be or who is carrying out activities that only our registrants are allowed to, please contact us by phoning 020 7580 3898.

Help for patients

If you want an apology, explanation or have questions about your eyecare treatment, you should first contact the optician who provided that care. **The following organisations may be able to give you useful advice and support about your complaint.**

Optical Consumer Complaints Service

For help with consumer issues, such as getting a refund for faulty glasses, contact the OCCS (www.opticalcomplaints.co.uk) on 0344 800 5071 or at enquiries@opticalcomplaints.co.uk. The OCCS is entirely independent of the optical professions and will offer a free objective mediation service.

Advertising Standards Authority

You can complain about false or misleading advertising to the Advertising Standards Authority (ASA) on 020 7492 2222 or at www.asa.org.uk

Citizens Advice

If you are not sure who to complain to, or if you need legal advice, contact Citizens Advice on 020 7833 2181 or at www.citizensadvice.org.uk

Information Commissioner's Office

If you need advice on accessing your personal medical records contact the Information Commissioner's Office on 08456 30 60 60 or 01625 54 57 45. Or visit www.ico.gov.uk

NHS Complaints Advocacy

The NHS Complaints Advocacy service can help provide information and support if you wish to raise a complaint about NHS services. Phone 0300 330 5454 or visit nhscomplaintsadvocacy.org.

Board of Community Health Councils in Wales

If you receive NHS services in Wales, the Board of Community Health Councils can give you free, private help if you have a problem or complaint. Phone 0845 644 7814 or visit www.patienthelp.wales.nhs.uk

Scotland

If you receive NHS services in Scotland, your local health board can give you free, private help if you have a problem or complaint. Visit www.show.scot.nhs.uk

Northern Ireland – Patient and Client Council

If you receive health and social care services in Northern Ireland, the Patient and Client Council can help if you want to make a complaint. Phone 0800 917 0222 or visit www.patientclientcouncil.hscni.net

Clinic for Boundaries Studies

Clinic for Boundaries Studies is a charity dedicated to helping people who have been abused by health and social care workers. You can contact them on 020 3468 4194 and at www.professionalboundaries.org.uk

Action Against Medical Accidents (AvMA)

If you have been harmed as a result of medical treatment or feel you have not been treated correctly, Action Against Medical Accidents (AvMA) can provide support and advice and possibly help you to get compensation. You can contact them on 0845 123 23 52 and at www.avma.org.uk

Victim Support

If you've been a victim of any crime or have been affected by a crime committed against someone you know, Victim Support can provide free support. You can contact them on 0845 30 30 900 or at www.victimsupport.org.uk

Alternative formats

You can get this booklet in Welsh by visiting www.optical.org
