

Optical Confederation submission to Pre-Legislative Scrutiny of the Draft Consumer Rights Bill

Summary

The Optical Confederation welcomes the opportunity to contribute to the Business, Innovation and Skills Select Committee's pre-legislative scrutiny of the draft Consumer Rights Bill.

The Optical Confederation represents the 12,000 optometrists, the 6,000 dispensing opticians, and 7,000 optical businesses and 45,000 ancillary staff in the UK, who provide high quality and accessible eye care services to the whole population. The Confederation is a coalition of five optical representative bodies: the Association of British Dispensing Opticians (ABDO), the Association of Contact Lens Manufacturers (ACLM), the Association of Optometrists (AOP), the Federation of Manufacturing Opticians (FMO) and the Federation of Ophthalmic and Dispensing Opticians (FODO). As a Confederation, we work with others to improve eye health for the public good.

We are writing in relation to the passage of the Consumer Rights Bill through Parliament. As you may have seen, the Optical Confederation responded to the Department for Business, Innovation and Skills' (BIS) twin consultations on the Consumer Rights Directive¹ and Clarifying Consumer Law².

As a sector, we are compliant with the pre-existing legislation which the Bill is intended to overhaul, and have a range of sector specific regulations, guidance and standards for optical services and products. Our members also regularly offer patients remedies or remake optical appliances if they fail to conform to their expectations. Our patients already have a wide choice of providers of community optical services and tend to 'shop around' between providers, meaning that market mechanisms are a key driver of quality and access.

We responded to the initial BIS consultations to set out our concerns about overlapping and duplicatory processes for our patients when seeking a remedy when something goes wrong.

In our experience, the most rapid route to resolution for a consumer complaint (which usually relates to the supply of an optical appliance) is for the patient to return to the original practice to discuss it with the practitioner or practice concerned. We suspect this is the case for other areas of business and would be grateful if the Committee could recommend to the Government that this be made clear in any information provided to consumers or the general public.

Failing that, there are sector specific regulators who are trained and experienced in resolving disputes and concerns with the quality of service provided:

- For optical appliances, the Optical Consumer Complaints Service
- For private services and concerns of a clinical nature, the General Optical Council
- For NHS services, the local NHS body.

In March 2013, we also discussed our submissions to the two aforementioned BIS consultations with the relevant BIS officials, who helpfully reassured us that our patients would still have redress to our sector specific regulators.

¹ <http://www.opticalconfederation.org.uk/downloads/consultations/Optical-Confederation-Response-to-BIS-Consumer-Rights-Directive-Nov-2012---.pdf>

² <http://www.opticalconfederation.org.uk/downloads/consultations/OC%20Response%20to%20BIS%20Clarifying%20Consumer%20Law%20FINAL.pdf>

We have experienced much greater difficulty with the implementation of the cooling off period regulations in the provision of domiciliary eye care services. We understand however that these regulations will be updated through a separate piece of secondary legislation and that we will be exempted from the revised cooling off period regulations due to the nature of the bespoke and personalised products that our members provide (i.e. spectacles manufactured to the patient's unique prescription and other facial characteristics.)

In summary, we would be grateful if advice or guidance from the Government (issued when the Consumer Rights Bill becomes law) directs consumers including our patients back to the supplier of the product or service in the first instance and failing that, to the respective sector-specific regulators (in our case those mentioned above).

If the Committee would like to discuss any of the above, or the twin Optical Confederation consultation responses to BIS, we would be more than happy to do so.