



Advisory, case management and indemnity support from the BDA

Our cover and promises

TO BE READ IN CONJUNCTION WITH RSA'S 'DENTISTS' PROFESSIONAL INDEMNITY POLICY DOCUMENT'

Using the knowledge, expertise and experience that only we have, we've created an indemnity service designed around you.

BDA Indemnity represents a new, vital component of our service providing you with a professional shield against legal and regulatory challenges.

We designed it to make sure you're equipped to thrive in today's professional environment.

Members are at the heart of our indemnity cover

We want you to have:

Peace of mind

You have a contractual right to cover under the policy. With that, you'll have peace of mind that when an incident occurs under the policy, you're covered forever.

Dentist-to-dentist support

You deserve support from experienced dentists with legal knowledge, in times of pressure. We're here to help.

Our advisory, case management and indemnity support wraps around the cover provided by Royal and Sun Alliance Insurance plc, giving you complete protection when you need it most.

This document explains the ways we can support you.

	Employed: Hospital/Community/ University/Defence Services indemnified	Associate	Practice owner
	Essential	Extra	Expert
Advisory, case management and indemnity support from the BDA			
Case management and dento-legal advice	✓	✓	✓
Support with professional disputes	✓	✓	✓
NHS contract and performance disputes	✓	✓	✓
Intellectual property disputes	✓	✓	✓
Academic and research disputes	✓	✓	✓
Advertising and competition advice	✓	✓	✓
Reputation management	✓	✓	✓
Remediation	✓	✓	✓
Associates/employees	✓	✓	✓
Quotes are personalised for hours worked and are UK nation-specific	✓	✓	✓

Professional Liability Insurance from RSA

Please see bda.org/indemnity/policy for more information about this section

Civil liability in public and product liability claims		✓	✓
Defence costs re civil liability claims		✓	✓
Legal representation	✓	✓	✓
Crisis management	✓	✓	✓
HMRC tax investigation expenses	✓	✓	✓
Whistle blowing	✓	✓	✓
Loss or damage to documents		✓	✓
Vicarious liability		✓	✓
Nurses covered on your policy			✓
Cover is available for other clinical practices (implants/cosmetic procedures etc.) No additional cost for sinus lifts or bone grafts		✓	✓

Contents

What to do when	5
Get advice from our dento-legal advisors	5
Make us the first ones you call	6
I've had a complaint.....	6
I've received a letter from the GDC	6
I have to go to court.....	6
I'm being investigated by the police	7
I'm being sued.....	7
I've had an enquiry from the media.....	7
About our support	8
Telephone support	8
Complaints	8
Case management and dento-legal advice.....	8
Support with professional disputes.....	9
NHS contract and performance disputes	9
Intellectual property disputes.....	10
Academic and research disputes	10
Advertising and competition advice.....	10
Reputation management	11
Remediation	11
Associates/employees.....	12
Feedback.....	13

What to do when

We don't want you to wait for a complaint or a claim before making use of your cover.




It's our experience that the best way to avoid difficulties is by staying informed and checking your ground.

Check the website for upfront insight into what you can do to avoid difficulties. It has been prepared by well-informed clinicians with years of dento-legal experience who can give you reliable advice.

bda.org/indemnity

If that isn't enough and you find yourself in a tricky or worrying situation, why not give our advisory team a quick call? They can often give you a steer that will set you in the right direction and may prevent trouble down the line.

Get advice from our dento-legal advisors

-  We won't settle a claim without seeking your agreement
-  We won't just give in to pressure to settle and make cases go away: we'll do what's right in each and every case
-  There's no limit on how often you can call for help and calling won't raise your premium. When you need urgent advice, you can reach us 24 hours a day.

Make us the first ones you call

I've had a complaint

1. Send an acknowledgement letter to the complainant unless the complaint was made verbally and was resolved within one working day
2. Review the patient's records and use these to draft a detailed response to each point in the complaint
3. You may need to discuss the complaint at a practice meeting, especially if it involves more than one dentist
4. Send us the complaint, your draft response, the relevant parts of the notes, and any other relevant information. This information should be anonymised if possible
5. Review the complaint as part of your significant event audit.

I've received a letter from the GDC

Don't panic, and don't hesitate to call us.

You can rely on empathetic support from a dental colleague who is well versed in GDC processes and can hopefully put your mind at rest.

1. If you've received some correspondence from the GDC, such as a request for a completed employer's details form, call us first
2. Don't make any comment to the GDC before you've spoken to us
3. Collate all relevant records and documents
4. Make a note of anything about the case you and your adviser can use to understand the circumstances.

I have to go to court as a witness

1. Don't submit your witness statement / coroner's report before you've listened to our advice
2. Find out what you can about the case
3. Send us a copy of your report and the clinical records, plus any correspondence relating to the hearing

Don't do this on your own. We're here and we want to help.

I'm being investigated by the police

If you've been arrested or are being interviewed under caution, make us your next priority after contacting your family

1. If you're asked to attend an interview, establish whether it's an interview under caution. Do not agree to an interview under caution, or make voluntary comments to the police without seeking our advice first. We can arrange for someone to attend with you, or for legal representation where necessary.
2. Collate any information that's relevant to the investigation. This might include patient records, workplace emails, or letters – but do not delay in contacting us
3. Make notes based upon your memory of events, but don't write a statement or sign one prepared for you by the police before seeking our advice
4. Do not make contact with anyone who may be a witness in the police investigation or discuss the allegations with anyone other than us.

I'm being sued

1. If you receive a letter from a patient's solicitors, even just asking for copies of your records, do not reply before speaking to us. We would normally take care of the correspondence on your behalf. It is not always made clear whether you are the subject of the claim so it is wise to proceed cautiously.
2. Gather together all correspondence, and a copy of the patient's records
3. Send us the notes and other documents we ask for straight away.

I've had an enquiry from the media

1. Tell the journalist that your duty of confidentiality prevents you from commenting. Simply confirming someone is a patient can be a breach of confidentiality
2. Be aware that journalists may contact administrative staff for information too. Advise other staff to make no comment
3. Be wary of who you're giving information to. Journalists may not always clearly identify themselves.

We have ensured that you have access to specialist media advisers (and lawyers where necessary) in the event of a crisis which threatens your reputation or that of your practice.

About our support

Telephone support

Complaints, litigation and regulatory sanctions are actually quite rare in UK dental practice.

Despite what you may have read and imagined, the vast majority of UK dental interventions are incident-free and don't involve any kind of complaint. It doesn't always feel like that though!

Sometimes circumstances can arise that leave you anxious or concerned about what to do next.

At the BDA we prefer prevention to cure and as a result, we encourage members to call us if they are unsure about something that has happened, even if there haven't been any repercussions or further developments. In most cases, this will lead to reassurance and hopefully feeling less anxious, which will leave you less distracted and better able to treat other patients.

Early contact will allow us to identify when there are genuine issues and help you to start getting things sorted out before they gain momentum.

So, whichever way it goes, making that call early can help you to get on with your life.

Complaints

Dentistry is a very personal business. If you receive a complaint from a patient it can be upsetting, embarrassing, annoying, threatening and/or worrying. Knowing how to deal with a complaint effectively and keeping a cool head in doing so are the two features most likely to stop things in their tracks.

By calling our seasoned dento-legal advisors, you will be able to share your concerns and anxieties and also access best quality advice about what to do next.

Case management and dento-legal advice

We'll be your point of contact and manage your cases.

We'll liaise with lawyers and experts on your behalf and take all that pressure, fear of the unknown and uncertainty off your shoulders.

Of course, things don't always get resolved informally and on rare occasions things escalate towards litigation or regulatory tribunals.

If you are unfortunate enough to find yourself in these circumstances, it can be stressful and worrying. The unfamiliar territory of legal arguments and regulatory language can be daunting and scary.

We are here to help. We will stand by your side throughout the process. We will assess your case, suggest ways that it might be resolved, help you to write letters and construct responses. Our mission is aligned with yours – to mitigate and correct the situation.

We are interested in your well-being, your reputation and your financial and professional exposure. Our experience and skills will offer best-quality support in these traumatic circumstances.

Because we work so closely with our insurance partners, we will act as a bridge between you and them and will help if you need to be supported by legal representation or if financial settlements are required. Whatever happens we are with you every step of the way.

Support with professional disputes

We'll assist if a colleague has criticised your work.

Practitioners don't always see things the same way. Sometimes perspectives may be very different indeed and from time to time one dentist will criticise the work or professional behaviour of another dentist.

The results for the dentist criticised can be significant ranging from reputational harm through to disciplinary investigation or even litigation based upon the second dentist's appraisal of the situation.

If you find yourself in this situation, you may need help in putting your case forward for why you provided a certain treatment or why the outcomes were as they were. You may even wish to flatly reject assertions made by the second dentist.

Managing these circumstances can be challenging and sometimes emotion and bad feeling can make things worse than they need to be.

We are familiar with situations where clinicians disagree.

We are able to bring a cool and independent, detached view that can take the heat out of the situation. Linking in with our other advisory services, we will seek resolution of differences and prevention of unnecessary legal arguments and confrontation.

NHS contract and performance disputes

We will help you with any disputes and investigations.

A large proportion of the dentistry provided in the UK is delivered under NHS contracts and NHS regulations.

Your membership already gives you access to our team of dedicated NHS contract experts who can help with the business elements of those contracts. Things aren't always clear-cut in the relationship between the commissioners, the contract holder and the professionals involved, whether providers or performers.

Some situations will call for a joint approach from our contract advisors and our dento-legal advisors. We are best-placed to help you deal with any disagreement, whether it relates to the contract terms or what you have delivered as a clinician. Our advisors can join forces on your behalf and make sure that any dispute receives its best chance of success on your behalf.

Intellectual property disputes

We'll bring in IP lawyers to advise and represent you to protect your interests.

The creation of ideas and the innovation of technology and processes is vital for the advancement of science and clinical interventions, and the sharing of professional knowledge.

As a profession, we all read and benefit from published articles and lectures, which colleagues have worked hard to create. As an innovator you invest huge amounts of your time and energy in creating and finessing ideas and it is appropriate that your work is protected and that you are properly recognised.

From time to time, there may be a dispute about who created what or innovated first. Such disagreements can be challenging to resolve and there is often passionate disagreement between the parties. Plagiarism has become a growing problem in an increasingly digital world and dentistry is not immune.

Our cover will give you access to intellectual property specialists who will work hard to bring about the most equitable resolution when such circumstances arise

Academic and research disputes

We'll support you with academic/research/publishing disputes.

If disagreements can't be resolved, we will look into the specific circumstances and will represent your interests when you believe your work has not been properly respected and accredited.

In the alternative scenario we will represent you when you believe you have been inappropriately accused of mis-using someone else's material.

Advertising and competition advice

You are not an advertising expert but we can help. We'll also assist you with matters relating to competition regulation.

You are under professional obligations to tell prospective patients what you do, what your qualifications, skills and experience are and what you can offer. You could also be under commercial pressure to attract patients as consumers of your services. In telling the story, it can sometimes be challenging to avoid overstating or mis-stating things and from time to time practitioners can inadvertently cross the line between explaining who they are and overstating what they do.

When that happens, it can lead to complaints from patients, other practitioners or watchdogs and the GDC can also become involved.

We have substantial experience in this area and so are on hand to provide advice as and when you need it. If things get out of hand, we will help you set things straight.

Reputation management

We'll help minimise reputation damage to maintain professional standing.

The world of social media is one of mixed blessings. It's a great way to spread the word about the things you are doing well and to tell good news stories. Sadly, the opposite is also true and disgruntled patients, other practitioners and others with axes to grind can cause real problems to your credibility by disseminating negative or critical information.

News-hungry journalists and self-interested litigation lawyers may also seek to gain advantage by spreading the stories of adverse findings in court proceedings or other tribunals.

If this happens it can damage your professional reputation, your marketability and potentially your livelihood.

It can also be personally very hurtful and cause immense amounts of stress.

Our cover provides for access to reputation management resources when circumstances like this occur. Tangible solutions and financial support are coupled with empathetic expert assistance to help you personally and commercially. Whilst we can't always stop these things happening, we can make them a lot less harmful when they do.

Remediation

We'll work with you to create a personalised plan to avoid and/or minimise regulator sanctions.

With the passage of time, it is sometimes the case that you can find yourself out of step with colleagues and current approaches to clinical work. It can mean that your practising activity leaves you open to challenge by the regulator.

We are familiar with the processes at the GDC and often can anticipate what is likely to be asked of a practitioner in such circumstances.

By working with you before the substantive tribunal is convened, we will put in place a set of steps that allows you to bring yourself up to date and acquaint you with the technique areas in which you may have fallen behind.

By doing this we will seek to put you in a position where even if some impairment of your practising capability was present at the beginning of the case, it has been corrected and set right before the case is even heard.

With the right degree of reflective acknowledgement and demonstrable improvement, it means that damaging interruptions into your working life can be avoided.

Our timely and supportive involvement can also provide a valuable legacy for your future career.

Associates/employees

We'll make sure their voices are heard on indemnity-related matters.

UK dentistry is a small community. We learn together, we graduate together, and we practise together. Within our working environments there can be divisions and different perspectives. There can also be competing demands between one practitioner and another.

In running a practice, owners will have one set of needs to maintain viability. In working within a practice (but not owning it) associates will want to maximise their returns whilst expecting a properly serviced work environment.

While the practical and financial realities in every practice will be different there are ways to transact that are reasonable and fair and that reflect the fact that we all come from the same place. We have already established a raft of materials to help practice owners and associates better understand each other. Our work in contract design aims to help by providing clarity and fairness.

In spite of this, disagreements do sometimes occur. If it's practitioner to practitioner, we will do our best to help to resolve the situation. If that doesn't work, we will help you to argue your case whichever side of the divide of the working relationship you sit.

Your membership already gives you access to mediation services where we will represent both parties should the need arise, with the full confidence of confidentiality and single purpose.

The aim of mediation is to avoid the stressful, costly and time-consuming nature of a court case. Crucially, in cases where there is an on-going relationship, it can prevent the breakdown of that relationship and help the parties work together more effectively. Mediation can help you agree solutions to problems that a judge would not be able to impose. You'll get options about how you find a way forward with the issue, and forge communication where there often is none.

Perhaps more of a threat these days, is when you as an individual practitioner are faced with a challenging environment operated by a much larger entity. For associates that may be one of the large dental corporates. For salaried dentists it may be a community enterprise or NHS trust. The significant difference in both cases is that such disputes are no longer 'dentist-to-dentist' but 'dentist-to-corporate enterprise'. The size of the parties is different, the objectives of the controlling party are different and the ability to empathise is different.

It is particularly in these circumstances that having access to a reliable, independent source of authoritative advice that focuses wholly on your interests, and a dependable friend on your side is vital.

Our sole interest is the wellbeing of dentists, whether self-employed or employed. These David and Goliath situations can be scary and isolating and it is these circumstances when the power of collective friends is most compelling. We will speak up on your behalf and we will argue your case if you are being treated unfairly or inappropriately.

Your professional interests and reputation matter as much as the commercial interests and 'brand' of the larger entity. We will make sure that you are treated fairly and respectfully, and that your voice is heard.

Feedback

If you have any feedback or praise, we'd like to hear from you.

Please contact:

Indemnity team
BDA
64 Wimpole Street
London, W1G 8YS

indemnity@bda.org

020 7535 5858

Complaints

Our aim is always to provide a first-class service; however, we are aware that, occasionally, it is possible that we may fail to meet your expectations.

If for any reason we have not met your expectations, let us know as soon as possible by contacting the office **in writing** to:

Indemnity Complaints Officer
BDA
64 Wimpole Street
London, W1G 8YS

Or by emailing:

indemnitycomplaints@bda.org

If you have any questions please call 020 7535 5858.

If we are unable to resolve the issue to your satisfaction by the end of the third business day following receipt, we will formally investigate the matter. You will receive an acknowledgement of the matter together with a copy of our complaints process promptly and certainly within five working days. We will then aim to investigate and provide a resolution as quickly as possible, informing you of a final response no later than eight weeks.

If you are not happy with our response after a period of eight weeks, you may be eligible to refer the matter to the Financial Ombudsman Service (FOS).

For further information you can visit the FOS website www.financial-ombudsman.org.uk

A full copy of our complaints procedure is available on request.