

22 October 2004

GDC Reform Consultation
Department of Health
Room 2N35A
Quarry House
Quarry Hill
Leeds
LS2 7UE

Dear Sir / Madam,

The Department of Health consultation paper – Strengthening the General Dental Council (GDC)

APIL is writing to indicate its support for the Department of Health's proposal to require practising dental professionals to hold professional indemnity insurance¹. We believe that it is vital that patients are protected from the possibly dire consequences of being negligently injured and not being able to gain full and just compensation due to their dentist failing to have comprehensive indemnity insurance. Such insurance will mean that if someone is negligently injured during a dental procedure, the injured person will be able to receive appropriate redress and compensation for the damage done to them.

APIL is particularly shocked to learn from the Medical Defence Union (MDU) that only 30 per cent of dentists currently hold full indemnity insurance, with the remainder often operating under a discretionary indemnity scheme. A discretionary indemnity policy operates, as the name suggests, at the discretion of the insuring organisation; if the insuring organisation does not want to indemnify the dentist on consideration of the facts of the claim, the injured patient will have to sue the dentist individually and is unlikely to receive his full and much-needed compensation. APIL believes that it is patently unfair to allow dentists to continue operating under such discretionary schemes. For example, it would be unheard of for people to insure a car on a discretionary basis. We believe that it is necessary for the protection of the public that compulsory indemnity insurance is introduced.

¹ See Consultation document - Question 11 – page 16

In addition, APIL proposes that there should be a requirement for all dentist indemnity insurance to include a 'run-off' policy. A run-off policy will provide indemnity cover so that when the dentist ceases to practice both he and his estate is covered for any clinical negligence claims which arise in the future.

APIL contends that as professional indemnity insurance is a requirement for most UK professionals, dentists should be brought in line with other professional sectors. For example, in order to obtain a practising certificate, solicitors' firms have to prove that they have indemnity insurance which complies with the Law Society's stipulated terms and conditions.

Finally, APIL considers that the need for compulsory indemnity insurance for dentists should be extended to all health care professionals. This will allow for the people negligently injured during the course of treatment to seek and gain just and prompt recompense.

If you require any further information, or there is anything else I can help you with, please do not hesitate to contact me.

Yours sincerely

Lorraine Gwinnutt
Head of Legal and Public Affairs