Dental nurses are required to have indemnity in order to practise. You will be asked to declare that you have appropriate indemnity arrangements in place when you join the GDC register or renew your registration.

Legal background
The GDC says all members of the dental team, including nurses, ‘must have appropriate arrangements in place for patients to seek compensation if they suffer harm’ (paragraph 1.8, Standards for the Dental Team 2013).

As a dental nurse, you are responsible for ensuring either that you have access to indemnity in your own right, or that appropriate arrangements are in place through your employer. The GDC recognises the following:

- dental defence organisation membership – your own or indemnity provided through your employer’s membership
- professional indemnity insurance held by you or your employer
- indemnity provided by NHS bodies.

The GDC says that you ‘must not make any assumptions about whether or not you are covered by [your employer’s] arrangements’ and if you are relying on these you must check the position with them (GDC, Guidance on indemnity, June 2016).

GDC registration
Having indemnity is a condition of GDC registration. Dental professionals applying to join or renew their registration must confirm they have indemnity in place (or will have by the time they start practising). The GDC might ask for further information, so it is important to know the details of any policy or dental defence organisation membership.

All dental professionals applying for restoration to the register are now required to provide evidence of their indemnity or proposed indemnity.

If indemnity arrangements are in place through your employer’s membership of the DDU†, you can ask them to provide proof of their membership and for a signed letter confirming that, as an employee, this provides access to indemnity for the work you carry out in the practice. DDU members can request membership documents from our membership team on 0800 085 0614 or on the My membership section on our website theddu.com

Further information about the GDC’s registration requirements can be found on its website.

Indemnity for dental nurses in practice
If you are employed by a practice, your employer is legally responsible for your acts and omissions during your employment. In the event of a claim for compensation, they are likely to be financially liable for the legal costs and any patient compensation. This is known as employer’s vicarious liability.

If the employer is a DDU member and paying the appropriate practice principal subscription, they can request our assistance with vicarious liability claims arising from a nurse’s work. There is no limit on the number of nurses employed.

If you have individual membership of the DDU and are notified of a claim against you, you have access to indemnity in your own right and can seek our assistance by calling our dento-legal helpline.

In the same way, any employee of an NHS trust, such as dental nurses working in the Hospital Dental Service, should be covered by indemnity provided by NHS bodies for clinical negligence claims. Nevertheless, it would be a good idea to confirm this with your employing trust.
Our advice

Even if you rely on your employer’s professional indemnity arrangements for claims, it is worth considering whether it would be better to join a dental defence organisation in your own right.

For example, if you were the subject of a GDC investigation, your employer’s indemnity would not provide any assistance.

Individual dental nurse membership of the DDU gives you other membership benefits, such as access to dento-legal advice, as well as your own professional indemnity. This means you will have somewhere to turn for expert advice and legal representation if a GDC investigation or disciplinary hearing arises from your clinical practice.

Joining the DDU

The DDU can offer discounted dental nurse membership for nurses who work in a dental practice if one, or more dentists in the practice are DDU members (one must be a practice principal).

If you are a dental nurse and would like to join the DDU, call our membership team on 0800 085 0614 for more information.

For dento-legal queries

24-hour advice helpline
Call freephone 0800 374 626
Email advisory@theddu.com
Visit theddu.com

This information is intended as a guide. For the latest dento-legal advice relating to your own individual circumstances, please contact us directly.

Our dento-legal team is available between 8am - 6pm Monday to Friday. Advice is available 24 hours a day, 365 days a year for dento-legal emergencies or urgent queries.