



DDU

Dental nurse indemnity

Advice for dental professionals

Dental nurses are legally 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*).

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
- NHS indemnity.

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*).

GDC registration

The GDC has amended its rules to make indemnity a condition of registration. From the Annual Retention Fee (ARF) collection period in summer 2016, 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. The GDC will set out exactly what information is required.

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 716 376** or on the My Membership section on our website **theddu.com**.

Further information about the GDC's new registration requirements can be found on their website.

Indemnity for dental nurses in practice

If you are employed by a practice, your employer is, as matter of law, legally responsible for your acts and omissions during the course of 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 dentist is a DDU member and paying the appropriate practice principal subscription, they can request our assistance with vicarious liability claims arising from alleged avoidable negligent harm caused by an employed nurse. 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 advice 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 NHS indemnity 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 is better to be a member of 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 access to other membership benefits, such as access to dento-legal advice, in addition to your own professional indemnity. This means you will have somewhere to turn for expert advice and legal representation in the event of a GDC investigation or disciplinary hearing arising from your clinical practice.

Joining the DDU

If you are a dental nurse and would like to join the DDU, call our membership team on **0800 716 376** 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.

