Unregulated indemnity continues

Thousands of dentists are thought to be working without full insurance cover or using schemes that have loopholes - leaving patients without any compensation when they receive botched treatment.

The Dental Defence Union, the specialist dental division of the Medical Defence Union, claims that many patients mistakenly assume their dentist or doctor is insured in the same way as their car or house, but this is not the case.

Under the current, outdated system of dental indemnity, dentists are still not required to have insurance.

The DDU would like the General Dental Council (GDC) to specify how dentists should be indemnified.

So far it has not insisted that this should only be through insurance, though it has the power to do so.

Botched dental work by the likes of Silvertooth Di Rocca and Alicia Caffarena, who fled the country after being found out, show that fundamental reform is needed to close loopholes in the insurance policies covering dentists.

The Italian couple fled after botching the treatment of 16 patients.

The couple, who worked at practices in Cambridge, London and Surrey, were struck off for gross negligence by the GDC but their patients have been left without any compensation.

One of their patients was Aaron Kersey, who was 11 when his dentist sent him to the couple’s Cambridge practice to have two sets of braces fitted.

He was told the braces would need to stay in place for 12 months. But it was not until last year, that the boy, who is now 17, stopped wearing a brace; two years of botched work had deformed his teeth, four of which had to be removed, and caused pain and infections which lost him three months’ schooling.

Similarly, Helen Parton from Enfield in North London, was 15 when she first saw Di Rocca at his practice in Palmers Green.

After two years of NHS treatment under his care, during which her braces repeatedly fell out, or cut into her mouth, leaving it bruised and bloody, her mother Donna insisted she see a specialist, who said he had never seen orthodontic equipment so poorly fitted.

She still needs major corrective work done to repair the damage but is terrified of dental treatment.

The DDU, which acted for the couple during the 2005 GDC case, said it had not been instructed by their clients and could not represent them over the damages claims as it cannot represent dentists without their permission.

Many dentists are reliant on discretionary indemnity and the DDU is campaigning for the GDC to make it compulsory for every dentist to have a contract of insurance.

Rupert Hoppenbrouwers, head of the DDU, said: “In this current dento-legal and economic climate, we cannot understand why the UK still allows unregulated indemnity. The UK has fallen far behind other EU states on this.

A German patient who was treated in the UK and negligently harmed by a dentist who was reliant on discretionary indemnity might not be compensated if the indemnifier decided not to assist with the claim. Of course, a German patient who was treated and harmed at home by an insured dentist would receive insured compensation.'

Dr Christine Tomkins, deputy chief executive of the Medical Defence Union (MDU), said: ‘Many patients, and even the dentists and doctors reliant on discretionary indemnity, might not be compensated if the indemnifier decided not to assist with the claim. Of course, a German patient who was treated and harmed at home by an insured dentist would receive insured compensation.'

She added: ‘The GDC has the opportunity to bring dentists into line with other healthcare practitioners such as opticians and chiropractors who have to be insured, because their regulators have taken advice and do not believe discretionary indemnity gives adequate protection for patients. In most other EU countries insurance is either compulsory or recommended.

For each dental or medical professional to have a contract of insurance and the certainty that successful negligence claims that come within the policy will be paid is indisputably in the interests of patients and of dentists and doctors.'