BDA fights the good fight

Dentists up and down the country are eagerly waiting to see if the High Court is going to rule in favour of an appeal by the Department of Health, that gives health bosses the right to terminate dental contracts without cause or notice.

The DH lodged the appeal earlier this year after Eddie Crouch, an orthodontist in Birmingham, won a Judicial Review which said that primary care trusts were wrong to insert a clause in the NHS dental contracts allowing them to terminate the contract without cause or notice.

The DH was battling it out in the High Court, against the British Dental Association (BDA) which is backing Dr Eddie Crouch, as Dental Tribune went to press.

A spokesman for the BDA said: ‘The judge has retired to make his decision. We have no idea yet as to when this is going to be.’

The BDA has challenged the legal appeal saying such notice clauses are unlawful and unreasonable.

Back in April 2006, South Birmingham Primary Care Trust included a without grounds termination clause in Dr Crouch’s contract.

If the DH wins the appeal, PCTs would have the power to end dentists’ contracts with as little as one day’s notice.

Peter Ward, chief executive of the British Dental Association, said: ‘Effectively the Department is saying that a primary care trust should be able to say to a dentist, your contract will come to an end tomorrow, just because we feel like it.’

‘Every right-minded person can see that this is totally unreasonable and would destroy the viability of family dental practices.

How can dentists plan for the future if they have no security? A success for the Department of Health would be bad for dentists,

bad for patients and disastrous for the health of the nation.’

A reversal of the original High Court judgment will apply to all Personal Dental Service agreements and will leave dentists in a very vulnerable position.

This appeal must send shivers down the backs of all practitioners

Dr Crouch contested the contract offered to him but signed it in December to ensure he could continue to provide NHS care to his patients.

He said the DH appeal ‘must send shivers down the backs of all practitioners’.

‘Botched’ reforms fail 1.2m people

More than 1.2m fewer people saw an NHS dentist in the two years up to June this year than in the last two years under the old dental contract, according to figures from the NHS Information Centre.

However the data also shows that NHS dentists are carrying out more treatments for the patient they do see, with a rise of 1.4 per cent reported by the Information Centre.

June 2008, shows that in the two years up to the end of June 2008, 28.0m people - which equates to 52.7 per cent of the population, saw an NHS dentist.

The percentage of people seen by an NHS dentist varied from area to area with a higher percentage of people tending to see an NHS dentist in northern strategic health authority (SHA) areas compared with those in the south of England.