Doing it by the book

Jonnie James discusses the ins and outs of employment regulations

Most dentists dream of owning their own practice but, to quote Marvel comics, ‘with great power comes great responsibility’. As a principal you leave yourself open to everything from overtime to litigation, so it helps to keep up to date on all the latest rules and regulations, in order to protect yourself and your business.

Aside from treating patients, one of your biggest responsibilities is the employment and upkeep of your staff. It is up to you to ensure that employees are competent, efficient and happy in their work and the first step to achieving this is, of course, recruitment.

Recruitment is common sense in many ways, as every employer is aware of the importance of checking references and credentials. Unfortunately even this can sometimes be inadequate, as illustrated by a recent case in the West Midlands in which a fraudulent ‘dentist’ had so convincingly faked her qualifications that she amassed £230,000 of profits before being discovered and sentenced to three years in prison.

Such cases are, thankfully, exceptionally rare and a background and CRB check are usually sufficient when hiring. However, with CQC regulations now emphasising the responsibility of dental employers, it is important that you understand exactly what is expected of you with regards to the recruitment of new staff. Regulation 21 of the CQC, which relates to outcome 12, states that all registered practice owners must 'operate effective recruitment procedures' which ensure that the people hired by the practice are of good character, as well as being suitably qualified, skilled and experienced. In order for this to be established, you are obliged to carry out the usual pre-employment checks and obtain all the necessary evidence to substantiate any information given by the candidate, and in particular be able to provide proof that staff are registered with the appropriate body (such as the GDC), wherever necessary. Principals are also obliged to determine whether the new employee is both physically and mentally fit for the role so extra precaution should be taken if there are any doubts in this area.

It is essential for the protection of your business, your staff and your patients that every necessary precaution is taken when hiring new employees, as the CQC places the onus squarely on the shoulders of the practice principal when it comes to hiring permanent staff. With regards to temporary staff, it is still important to exercise caution, even when dealing with an agency, as problems may still arise.

Employees hired through an agency are generally referred to as outside contractors, and it is the responsibility of the recruitment agency to hire them on behalf of you, the client. It is also up to the recruitment agency to negotiate holidays, contract extensions and pay rises and you should check the wording of your temporary contract carefully to avoid being held directly responsible for the employee due to ‘implied employment’, that is a contract that suggests that the employee may be deemed a permanent rather than temporary member of staff. One case, which illustrated this potential pitfall, was that of Muscat vs. Cable and Wireless, in which a temporary worker successfully sued his employer for wrongful dismissal when they terminated his temporary contract, because his working situation was deemed to be one of implied employment. It therefore goes without saying that any recruitment should be undertaken with care and it is worth engaging the services of a legal advisor to help you draw up contracts.

However, there are certain other ways in which to negate some of the stress of hiring. A well laid out contract is of course a must, but using a recruitment agency dedicated to the dental industry can also relieve some of the pressure of hiring, as a company such as Dental Gateway dedicated to the dental industry can also relieve some of the pressure of hiring, as a company such as Dental Gateway, the UK’s only online networking site for dental professionals. With Dental Gateway principals can register online and post job adverts as well as browsing or searching through hundreds of CVs and contacting candidates directly. By cutting out the middleman, you can ensure every part of the hiring process goes exactly to plan.

Principals and their practice managers have an enormous responsibility to hire staff who are capable of fulfilling their job description and taking care of a surgery’s most important asset; its patients. By making sure that you understand what is required of you as an employer and ensuring that you can prove your diligence every step of the way, you can achieve compliance, meet your practice needs and employ a happy and efficient workforce.