The safest way to recruit staff is to take control of the process yourself

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 £250,000 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 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 employers 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 with a thorough knowledge of the industry will be aware of what to look for in potential employees. Perhaps the safest way to hire a temporary member of staff. One potential pitfall, was that of Muscat vs. Cable and Wireless, in which a temporary worker successfully sued his employers 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.

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