Top ten *legal tips* for dental practices

By Chris Davies¹

The legalities of owning and running a dental practice can be complicated. Ensuring that your practice is compliant with UK laws is critical to running a successful business and safeguarding not only your level of patient care, but your reputation too.

When asked what would be my advice for dental practices who are keen to make sure that they are on top of all legal and HR issues and the daily management of their practices I say to remember the acronym **NO. 1 DENTIST**.

This acronym should help you to remember the most important tips for ensuring your practice is covered legally in a range of aspects.

‘WRITING “PIN” [“PAIN IN THE NECK”]

COULD BE READ BY THE PATIENT AND

COULD LEAD TO ERASURE!’

N **for Necessary Experience**
Try to ensure that your advisors, such as your accountant and lawyer, have the necessary experience and credentials to be able to fully advise you on a range of potential issues. In such a complicated industry, it really does pay to have experts on hand as it will inevitably save you money and hassle in the long run.

O **for Obtain Licence**
It can be a temptation not to pay as much consideration to the non-dental parts of the business but for instance if you play music in your dental surgery, you may need to obtain a licence to do this

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www.jcp-healthcare.co.uk

otherwise it could be a breach of copyright. My top tip would be to always check!

I **for Section 1**
Under Section 1 of the Employment Rights Act 1996, as an employer you are obliged to provide your employees whose employment is to continue for more than one month with a written statement of certain terms of their employment. This written statement or contract, containing the required statutory particulars, is often referred to as the section 1 statement.

D **for Data**
If not already registered, check whether your business should be registered with the Information

your business and could potentially cause accounting and tax problems.

T **for Trademark**
Before spending too much time and effort on branding or re-branding your business, make sure there is not already a registered trade mark out there that will prevent you from using your desired branding. It might also be worth considering registering a trademark yourself. When doing this, consult legal professionals early on, and again the process will be far more straightforward and cost effective than you may expect.

I **for Include Provisions**
Include confidentiality provisions in employment contracts. Should the worst happen and an employee ‘steals’ your business’ confidential information, it will be a lot easier to take the relevant action with a confidentiality provision in the employment contract than without one.

S **for Software**
Ensure all your computer software is properly licensed and that you are not over-deploying your software licences by using the software on more computers than the licence permits.

T **for Timing**
When buying or incorporating a practice, make sure that you deal fully with the requirements of the CQC, NHS England/Wales and the bank. Make sure that each application is finalised in a timely manner so that you do not experience delays on completion.

Commissioner’s Office – the Data Protection Act requires certain businesses to register. If in doubt check - ironing this out early on will save headaches later on.

E **for Employees**
Your employees are your most important assets and it’s imperative to ensure they are fully trained for the job they are doing. Ensure qualifications and training standards are kept up to date. Employees who feel invested in will always do better than those that feel like a commodity to your business.

N **for Naming**
Ensure that all of your contracts (including the NHS contract) are in the name of the correct trading body of the practice. Failure to do so could result in difficulties when you come to sell

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