



# A Christmas cracker

In keeping with the festive season, the **BDA Indemnity team** has assembled another miscellany to inform and entertain you. Everyone in the team sends their best wishes to all BDA members for a happy, healthy, and prosperous New Year

## Holiday toothache

'*All I Want for Christmas Is My Two Front Teeth*' was a novelty Christmas song written in 1944 by a Donald Yetter Gardener when he was a primary school music teacher in New York. Having asked his young class what they wanted for Christmas, he noticed that most of them were missing a front tooth and answered with a lisp. Half an hour was all it took him to write the song that was published in 1948 after he had performed it at a music teachers' conference. The record topped the American pop charts in 1948.

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It is a dreadful thing to have toothache when the rest of your family and friends are celebrating Christmas and New Year. The problem is exaggerated when dental surgeries replace their normal opening hours with a reduced emergency service. This year, the two additional replacement bank holidays on December 27 and 28 will create a four-day break in addition to the New Year creating a

three-day weekend that follows (that's four in Scotland).

Finding the right place to help with your dental emergency benefits everyone. Dentists can help by providing clear and accessible information on where care is available when they are closed over the holidays.

The practice web site as well as posters in the waiting room and on the front door of the practice should announce what cover and out of hours care is available when your surgery is closed.

Update the details on 111 so that those using this service know when you are available and if not, who else in your area can help patients to get appropriate care. Remember pharmacists are also able to assist in short-term pain relief and will help to support and direct patients to the best service to treat their problems.

With the holidays around the corner, there will be additional pressure on vital services

which are still dealing with the knock-on effects of the pandemic.

Dentists have their own backlog of treatments to work through but, by adding a few more emergency slots into the appointment book for December it should be possible to encourage patients to seek advice if they sense a problem developing – dental problems are much better dealt with early and before serious pain develops.

In March 2019, NHS England reviewed unscheduled dental care and found wide variation in the ways services were accessed and delivered. It was recommended that urgent dental care should be transformed in line with the transformation of urgent and emergency care services more generally and that a commissioning standard was needed. If it could be delivered with an enhanced workforce and a suitable NHS contract it would be a welcome present for us all.

**Dr David Croser**

## Santa's clause

If there is one thing dental colleagues have heard a lot about this year, apart from COVID-19 and mandatory vaccinations, it is vicarious liability. If you are a practice owner you are unlikely to have missed the two legal cases, extensively covered by the BDA, involving two practice owners who were judged to be vicariously liable for the actions of their self-employed associates when they themselves had never seen the patients in question.

Whilst the concepts of non-delegable duty and vicarious liability are recognised as a way of ensuring that people who have been harmed by the action of another, obtain appropriate compensation, it has only recently been deployed by one law firm representing patients.

The BDA has proposed that the 'Associate Agreement' should include additional clauses to reduce the risk of liability falling on the practice owner's shoulders long after

the associate has left the practice. These model contracts are on the website for BDA Expert Members to download. Meanwhile, BDA Indemnity is working hard with other mutual organisations and insurers to resolve this conundrum by adopting a universal approach to managing this new peril. My New Year's wish is that the conundrum should be resolved.

**Dr Len D'Cruz**