

A life in the day of a dento-legal advisor



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Two of my children recently started a new school and this has involved me in meeting a new group of parents. In the process of getting to know them, I have found myself explaining what I do. Most people are *au fait* with the role of a dentist, however, very few outside our profession will know what a dento-legal advisor does. Although most dentists will be aware of the job title, it is likely any contact will have been limited to help being offered after receiving a complaint or claim.

As with many businesses in the post-COVID-19 world, BDA Indemnity has adopted a hybrid style of working; most of the team primarily work from home, attending the office for training and to network with colleagues. Just before 08.30, I make myself a coffee and settle down at my desk when I switch on my phone. This can be a particularly convenient time to talk to dental colleagues before they start working with patients.

I also log-on to my computer and check my dashboard which is essentially a 'to do list' which I must prioritise.

Some emails require a call back to the indemnified member. I give the first dentist a ring; they are seeking advice on the management of a challenging patient who is due to attend the surgery later that morning. Together, we devise a plan; I emphasise the importance of carefully recording any discussions in the patient's clinical records. We encourage members to contact us whenever they sense a problem arising; receiving advice at an early stage or talking things through with a colleague, can often mitigate the risk of a complaint escalating. I tell the member to get back to me should further advice be required.

In the next call, a patient involved in an ongoing complaint has escalated their concerns to the General Dental Council. Understandably, correspondence of this nature from the GDC can be distressing for a dentist. I give them a call to offer reassurance of our ongoing support and to suggest that I communicate directly with the GDC on their behalf, hopefully relieving some of the pressure. I ensure they have an opportunity to ask any questions as I start to explain and help demystify the Fitness to Practise process. I later write summarising our discussion.

The Head of BDA Indemnity has requested feedback on some documents which are scheduled for publication. One of these relates to an important addition to our insurance offering, which will be the provision of 'Entity Cover' in response to the growing trend of 'entrepreneurial' claimant law firms exploiting new and potentially easier avenues when pursuing a claim.

Mid-morning, I join the weekly video meeting with my colleagues. The advisors know each other well and the meetings are conducted in a relaxed environment, conducive to a free-flowing, open discussion.

We start with an overview of developments within dentistry. It is important to keep abreast of the current climate as this often correlates to the number of requests for advice. Most recently, there has been a preponderance of calls relating to 'vicarious liability' following on from two high-profile legal cases that were well documented in the dental press and discussed on dental social media groups.

The weekly meeting is also an opportunity to share learning points or interesting developments in our ongoing case work. One of my members has received a request from the GDC to provide personal information at an early stage which seems at odds with the concerns that had been outlined. A colleague remembers obtaining an expert legal opinion from one of our panel law firms at an early stage when previously dealing with a similar case. I add this to my 'to do' list for the day.

The remainder of the morning is spent reviewing clinical records for a

new complaint. There is, unfortunately, vulnerability in the record keeping and care provided. I am therefore keen to help facilitate a speedy resolution and believe it is in our member's best interests to adopt a sympathetic approach at an early stage. I call them to discuss the case as I appreciate how frustrating it can be to receive advice of this nature. Fortunately, the member agrees and is happy for me to draft a response to the patient. Most dentists act in their patients' best interests and to receive a complaint about treatment can undermine confidence as well as be emotionally upsetting. It is vital to ensure the member feels supported and not criticised.

Throughout the day I take calls from dentists using our advice line. Most queries relate to dento-legal issues; however, some are beyond the scope of my expertise as a dento-legal advisor. Fortunately, I have a direct line to the experts in the BDA's other advisory teams. As one of my calls relates to the wording for an associate's contract, I can transfer the call to another BDA colleague who will be able to provide the advice requested.

My working day ends at 5.30pm, when I turn off my phone and move into my next role for the day, being mother to my three young children. I head downstairs to be greeted by the usual chorus of 'What's for dinner?'

The details of interactions with the BDA Indemnity team mentioned in this article have been altered to maintain confidentiality. ♦

Bio

Lorna Ead BDS, MFDS RCS(Edin) worked in general dental practice for 19 years and also has experience of working in the community dental service and as a hospital dentist. More recently she worked as a dento-legal advisor for one of the large mutual defence organisations. Lorna now works as a dento-legal advisor for BDA Indemnity, supporting colleagues in a variety of cases.

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