

INDEMNITY

The GDC's ethical guidance, 'Standards for dental professionals,' states that all GDC registrants must ensure there are arrangements in place so that patients can claim any compensation they may be entitled to.

What type of cover can I have?

Our priority is that patients who suffer damage should be able to recover any money they might be entitled to through compensation, in the event of a successful claim. It is up to you to decide which method of cover would be the most appropriate to suit your needs.

The only types of cover recognised by the GDC are:

- Dental defence organisation membership; (e.g. Dental Protection, Dental Defence Union (DDU) and the Medical and Dental Defence Union of Scotland (MDDUS)) – either your own membership or cover provided by your employer's membership.
- Professional indemnity insurance held by you or your employer
- NHS/Crown indemnity

If you are relying on arrangements made by your employer, you have a responsibility to check the indemnity position with your employer.

Don't make any assumptions about whether or not you are covered by their arrangements – always check as you will have to provide proof of your cover if a patient decides to make a claim against you, or in the event that a complaint about your fitness to practise is made to the GDC.

Do I have to have my own cover?

We do not require you to have your own policy and / or defence organisation membership, but you might decide it is a good idea to do so. As well as providing cover against patient claims, the defence organisations also offer advice and support; particularly during GDC proceedings. If you have your own cover through your professional association, this might also offer support if you have a problem.

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Each registrant has a professional responsibility to evaluate the risks they may face and ensure that appropriate arrangements are in place. What may be appropriate arrangements in one case may be inadequate in another situation for a different registrant; so it is vital that you assess your own risks.

If all the work that you do is carried out at your employer's workplace, then your employer should have made arrangements which cover all the relevant risks. Ask about their employer's liability insurance to see what it covers.

What if I never see patients, do I still have to have cover?

The GDC recognises that there are some registrants who may not need their own professional indemnity arrangements.

The only situation where it would be acceptable for you not to have any cover would be if the risk of a patient making a claim against you personally in your work is absolutely zero. If you were challenged about this, you would need to be able to explain why that was the case and that you had reached the conclusion conscientiously and on a reasonable basis with your professional standards in mind.

You must make sure you keep the position under review and take appropriate action if circumstances change.

If your situation changes (e.g. you take an extended break, or retire from clinical practice) or your arrangements change (e.g. because you move from an insurance-only policy approach to membership of a defence organisation), then you must make sure that you understand the legal implications of the changes and take appropriate steps to protect patients whose current or future claims may be affected.

Will the position change?

The GDC has the power to make the need for indemnity a legal requirement and updates will be posted on our website: www.gdc-uk.org.

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