

DENTAL TRIBUNE

The World's Dental Newspaper • United Kingdom Edition

PUBLISHED IN LONDON

MAY 18–24, 2009

VOL. 3 No. 13

News in brief

Dentistry fraud

A dentist has been jailed for fraud after he was found guilty of falsely charging the NHS £10,000. Geoffrey O'Sullivan was sentenced to four months' jail yesterday at Chelmsford Crown Court, charged with defrauding the NHS of £10,000 through false accounting, after an investigation by NHS Counter Fraud. O'Sullivan has repaid the money to the NHS and now faces a disciplinary hearing by the General Dental Council. He made more than 400 false claims for treating NHS dental patients, at his Princes Lane Dental Surgery in the Essex village of Dedham.

Head of the NHS CF Dental Fraud Team, Stephen McKenzie, said: 'People who provide medical and dental treatment to our children are rightly expected to have the highest integrity. This case is a reminder that dentists are being monitored and, if they do commit fraud, can expect NHS CF to pursue all available sanctions against them.'

Swine flu guidelines

Dentists in Wales have been issued guidelines from the Welsh Assembly on how to provide dental care to patients in the case of a swine flu pandemic.

Dentists are advised to contact patients at least 24 hours before their appointment to make sure they are symptom free. The guidelines also suggest 'as a routine, where facilities exist, all patients should be actively screened for symptoms of influenza on entry to the practice and before they enter the waiting room or clinical area'.

Patients may defer routine dental care until after the pandemic, contacting the practice only for pain relief or other emergency treatment.

For further details, visit: www.wales.gov.uk/pandemicflu.

InSafe award

The inSafe Needlestick Protection System has won the Product Innovation of the Year Award at the Dental Awards ceremony, held at the Royal Lancaster Hotel in London. Judges were impressed by the comprehensive development programme behind the system, which make it the first complete solution to the problem of needlestick injuries in dentistry.

www.dental-tribune.co.uk



National
Smile Month
17 MAY - 16 JUNE 2009
British Dental Health Foundation

News



Smile campaign

National Smile Month is back, and it's bigger and better than ever with brushathons and competitions running on both sides of the Atlantic.

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News



Cancer walk

The Mouth Cancer Foundation is calling on people to take part in a giant sponsored walk to raise much needed awareness of mouth cancer.

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Money Matters



Decisions, decisions

So you've done all the hard work in building up a pension pot, but converting this to income will be a crucial financial-planning decision.

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Clinical



Denture tips

To charge properly for a complete denture, a thorough examination needs to be carried out and not just for clinical reasons.

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Swine flu hits dentistry

The Department of Health (DH) has issued guidance to dental practices on what to do if the swine flu outbreak turns into a pandemic.

As *Dental Tribune* went to press, 32 people in the UK had been diagnosed with swine flu, according to the DH.

A spokeswoman for the DH said: 'It is right that we are preparing for the possibility of a global pandemic. The UK's arrangements are continuing to ensure that we are well-placed to deal with this new infection.'

Laboratory tests are currently being carried out on 390 other people who may have the H1N1 virus, said the Health Protection Agency. Symptoms of swine flu include fever, cough, headache, sore throat and aching muscles and joints. People are most infectious soon after they develop symptoms. Transmission is through close contact with an infected coughing or sneezing person. Dentists are being warned that fewer patients will attend a dental practice for treatment during a pandemic as illness and anxiety will encourage patients to cancel or delay appointments.

But some patients both well and infected will need dental treatment. All patients should be screened for symptoms of flu before attending the practice by

telephone and again on arrival at the practice, said the DH.

Treatment of infected patients should be limited to pain relief and should avoid aerosol-generating procedures where possible. Infected patients should be segregated from well patients. Ideally, practices and clinics will be identified and equipped (in consultation with the primary care organisations) to deal with infected patients. Where infected and well patients are seen at the same practice, a separation by space and/or time is essential.

Good general hygiene measures will be of prime importance in containing the infection. The DH recommends that an adequate supply of tissues, waste bins and hand cleaning facilities must be readily available.

Standard infection control procedures must be adopted for all patients (infected and well) and should include hand hygiene, PPE (with FFP3 respirators for patients with flu), decontamination of equipment and environment, and the safe disposal of waste.

Uniforms should not be worn outside of the practice and be taken home in a tied plastic bag for laundering. Protective plastic aprons are recommended to limit contamination of clothes. Staff within the practice will also be affected by a pandemic. The DH estimates that up to 35 per cent of

staff may be absent for two to three weeks as a result of illness, caring for dependants, bereavement and transport difficulties. Many practices will have difficulty in maintaining their normal level of serv-

ice. It warns that in England and Wales dentists may fail to deliver their contracted number of Units of Dental Activity.

The guidance recommends that contractual payments continue with no penalties if providers have done everything within their powers to comply. **DT**

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Delivering the best

An e-learning solution to help dental practices implement government guidance on improving patients' oral health has been launched by a learning resource provider.

The two-hour programme, *Prevention in Practice: Using Delivering Better Oral Health*, was launched at the British Association for the Study of Community Dentistry (BASCD) conference in Manchester.

The training DVD was developed by Smile-on at the request of the Oxford Deanery. It has had input from members of the team that produced the *Delivering Better Oral Health* toolkit, which was sent to all NHS practices in England in 2007, by the Department of Health.

Dr Gill Davies, specialist in dental public health for Manchester Primary Care Trust, who wrote some of the educational material on the DVD said: 'It is

designed to help general dental practices implement the preventive messages and actions that are detailed in the Department of Health's prevention toolkit.

It deals with issues such as the best ways of communicating with patients, overcoming opposition within the practice, and perceived barriers to integrating preventive activity for every patient.'



She added: 'A variety of teaching methods are used, including short film sequences, illustrations of key points and indications of the sources of the evidence on which the prevention toolkit is based. It is interactive in that it asks questions about attitudes at the start of each topic and then checks on knowledge gained at the end.'

Relevant resources are provided to support the activity.

The training DVD is aimed at all members of the clinical team as they should all be involved in giving consistent preventive messages. It can be watched from start to finish or the user can dip in and out of topics as they choose – the screen is very user friendly and constantly shows the stage that the viewer has reached.

For any dental professional who is hesitant in the implementation of a more preventive approach to oral care, or needs more help to

impart the messages or provide the preventive care described in *Delivering Better Oral Health*, the 'Prevention in Practice' DVD is a rich source of support.

Helen Falcon, postgraduate dental dean for NHS Education South Central, was also involved in developing the DVD. She said: 'Preventing disease and improving health is the most important thing we can do for our patients and it's something that all the dental team can actively engage with.'

She called it a 'great privilege' to have been involved with its development and added: 'You will see how one practice has adopted new ways of working, learn about the difficulties that individuals in a practice might face when changing to an evidence based approach to prevention and learn more about how to carry out effective short interventions with patients.'

The e-learning package can either be downloaded online or bought as a CD-ROM.

Janelle Montgomery, project manager at Smile-on, said: 'The programme aims to improve

knowledge and understanding, and help consistent and effective delivery of evidence-based health messages by the dental team.

With the programme, dental professionals will be able to provide evidence-based health care interventions that impact on oral and general health and promote behaviour change in patients to improve self-care.'

The DVD also looks at patient self-care and how practitioners can raise self-care issues with patients. This includes oral health messages as well as advising patients on healthy diets, sensible drinking, and smoking cessation.

Users can see actual interviews from a dentist and a dental care professional who have successfully implemented the toolkit into their practice.

The programme is for all dental professionals from dentists to orthodontists to hygienists. Each DVD provides two hours of CPD.

For more information on the programme, call 020 7400 8989 or email info@smile-on.com

CIC-ing up success

This year's Annenburg Lecture and Clinical Innovations Conference was a 'big success', according to the event organiser.

The joint endeavour from Smile-on and Alpha Omega on 15-16 May brought together the world's leading thinkers in aesthetic and restorative dentistry. They were able to share their experience and knowledge with the numerous dental professionals who attended the two-day conference at the Royal College of Physicians.

A spokeswoman for Smile-on said: 'This turned out to be a truly unmissable event for dental professionals who are committed to great results and the very best skills in cosmetic and restorative dentistry. It was a big success as it gave dental professionals the unique opportunity of discovering what is happening at the forefront of aesthetic and restorative dentistry.'

Professor Nitzan Bichacho, a worldwide authority on aesthetic and implant dentistry and Dr Devorah Schwartz-Arad, a specialist in oral and maxillofacial surgery, presented the Annenburg Lecture 'Success factors in dental implantation: a multi-disciplinary approach between the surgeon and the prosthodontist'.

On the second day, there was an impressive programme of lectures including presentations and hands-on sessions. One of the highlights of this year's conference was a live, hands-on demonstration of surgery bleaching.

The live demonstration was part of the lecture 'Profitable

Clinical Practical Dentistry' by Edward Lynch and Wyman Chan, which included the latest practical clinical tips for successful posterior composites, bleaching plus the latest developments in tray design and the use of initiators and promoters.

The lecture also covered predictable internal whitening, enamel micro abrasion, perfect placement of posterior composites, the best results with adhesives and the use of Ozone.

Edward Lynch is a recognised specialist in several fields including restorative dentistry and was recently elected the third most influential person in UK dentistry. Wyman Chan has trained more than 1,500 professionals across the dental spectrum and his training courses incorporate the most cutting-edge thinking. Dental professionals also learnt the key elements to running a successful whitening centre at the conference.

Dr Sia Mirfendereski's lecture 'Key steps to a successful whitening centre' covered how to select the right bleaching method, concentration issues, chemical activation, restorative implications, new regulations, patient communication, marketing and PR and competition.

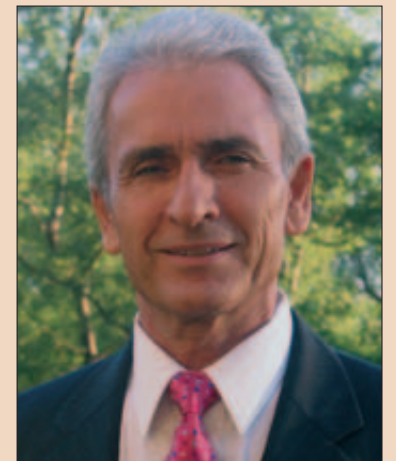
One of the top implantologists in the world, Dr Achim Schmidt, lectured on 'The compromised alveolar crest in the posterior mandible – regeneration by restoration or augmentation – evaluation of different treatment options' providing a guide on helping dentists effectively deal with damage to the alveolar crest. The lecture examined the

benefits of restoration and augmentation, so delegates could decide for themselves which option is the more suitable when they returned to their practices. There was also a talk on three-dimensional imaging in implant and restorative dentistry, covering recent advances and how they impact on day-to-day clinical work.

Speaker, Dr Andrew Dawood, explored the integration of the latest generation of digital imaging equipment into the dental practice, and how manufacturing technology has revolutionised cutting edge dental treatments. Dr Dawood has a wealth of experience in maxillofacial and craniofacial reconstruction, having been involved in the treatment of patients at St Bartholomew's, The Royal London and University College Hospitals. The lecture was of great benefit to dentists as it brought the new generation of 3-D imaging equipment into the practice. Advances mean



Dr. Andrew Dawood



Professor Nasser Barghi

that even the most complex cases can become much more straightforward and predictable, opening up new avenues of opportunity.

Dr Dawood highlighted to delegates how implant and restorative procedures can benefit in particular. With a faster, more straightforward and less invasive approach, superior results are facilitated and patients receive even higher standards of care while the dental team enjoys an easier and more efficient process.

Another popular lecture was 'Aesthetic Dentistry From Start To Finish', which covered the entire process of treatment planning for aesthetic dentistry.

The much sought after speaker, Dr Ian Buckle, led delegates through a step-by-step guide to treatment planning, through a comprehensive and straightforward 'treatment planning matrix'.

Other speakers at the conference included Professor Eddie Scher, Dr Chris Orr and Professor Liviu Steier. [DT](#)

International Imprint

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DENTAL TRIBUNE
The World's Dental Newspaper • United Kingdom Edition

Published by Dental Tribune UK Ltd

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Editorial comment


A big applaud

It's that time of the year again when the profession shows its solidarity as it pulls together to support National Smile Month. But what would we do without stalwart organisations such as the British Dental Health Foundation?

Care Trust has invited all primary schools in West Sussex to join the National Smile Month Brushathon during the week of 8 June. It's pretty impressive don't you think?

As Dr Nigel Carter, the Foundation's chief executive said: 'The Foundation is very excited to be working on the second trans-Atlantic National Smile Month and we look forward to

working alongside partners and thousands of event organisers in both countries. Dentists and hygienists can now truly be said to be on the front line of healthcare, and this campaign and our extensive range of educational resources provide the ideal platform to spread the message.'

The Foundation should be feeling not just excited by all this activity but damn right proud of all it has achieved. 

Do you have an opinion or something to say on any Dental Tribune UK article? Or would you like to write your own opinion for our guest comment page?

If so don't hesitate to write to: The Editor, Dental Tribune UK Ltd, 4th Floor, Treasure House, 19-21 Hatton Garden, London, EC1N 8BA.

Or email: penny@dentaltribuneuk.com

Dentists and DCPs cannot be solely responsible for sending out good oral hygiene messages. They are busy enough juggling UDAs and keeping up with new regulations to say the least. Nevertheless, without national – and now transatlantic oral health campaigns, the profession would be in dire straits. So is the message getting through?

Well let's consider the pro-active evidence going on right under our noses this very minute. Dental packs are being distributed to school children in Doncaster; Peterborough is handing out Brushing for Life packs to parents of babies and children, while The Oral Health Promotion Team for West Sussex Primary

BACD study nights


The British Academy of Cosmetic Dentistry is putting on two study nights for those wanting to improve their knowledge of cosmetic dentistry.

The Birmingham Study club will be held on 18 June.

The guest speaker will be Dr Ian Buckle, who will be lecturing on Single Crown to Full Arch restoration. With over 20 years of both NHS and private experience behind him, Dr Buckle is a senior clinical instructor in London, New York, and Palm Beach.

The British Academy of Cosmetic Dentistry (BACD) also presents the Nottingham Study Club on 24 June, where the guest speaker will be Dr Ken Harris. Completing complex reconstructive procedures within the field of cosmetic dentistry is Dr Harris's forte.

He will be speaking on the Kois Deprogrammer, a vital appliance that can be made simply by technicians.

For more information or a booking form please contact Suzy Rowlands on 02082418526 or email suzy@bacd.com. 



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National Smile Month kicks off

School brushathons and a competition to find out who has the cleanest teeth are just some of the events being held during this year's National Smile Month.

The campaign, backed by companies such as Oral B, aims to increase public awareness of

the benefits of good oral health-care, kicks off this month. Dental surgeries, hospitals, Primary Care Trusts, schools, colleges and businesses across the UK will be taking part in the British Dental Health Foundation's (BDHF) annual campaign which runs from 17 May to 16 June.

This year's campaign message 'Look After Yourself, Brush for Health' highlights the systemic links between oral and overall health. Recent research has linked oral health to heart disease, diabetes, strokes and pregnancy problems, not to mention tooth loss and familiar dental issues, emphasising the

importance of good oral hygiene.

Last year's campaign was run in partnership with Oral Health America leading to the first National Smile Month to run simultaneously on both sides of the Atlantic. This is being done again this year.



Specially-designed National Smile Month products are now available to promote the best ways to good oral health and help youngsters enjoy care routines.

Dr Nigel Carter, the Foundation's chief executive said: 'The Foundation is very excited to be working on the second trans-Atlantic National Smile Month and we look forward to working alongside partners and thousands of event organisers in both countries.'

Evidence of the systemic links between oral health and overall body health has been mounting considerably in recent years. Dentists and hygienists can now truly be said to be on the front line of healthcare, and this campaign and our extensive range of educational resources provide the ideal platform to spread the message.'

Support for the campaign comes from platinum sponsors Oral-B, Wrigley's ORBIT Complete sugar-free chewing gum and Tesco Dental Insurance.

Denplan, the dental payment plan specialist, is also supporting National Smile Month and has created an awareness poster, which also doubles as an information leaflet, so that member dentists can not only promote National Smile Month to their local press, but their businesses too.

Roger Matthews, chief dental officer at Denplan said: 'There is mounting evidence that people who suffer gum disease are more at risk of serious general health conditions.'

'National Smile Month is something that we here at Denplan support whole-heartedly and our new posters can help practices encourage their patients to maintain good oral health while also promoting their practice.'

Campaign guides from the BDHF featuring event ideas and resources have been sent to each practice in the UK. The website www.nationalsmilemonth.org serves as a hub for health professionals and event organisers, incorporating helpful hints and tips, useful information and a chance to report on activities and upload their own photographs for posterity.

To order your own National Smile Month resources or for more information go online or contact the Foundation on 0870 770 4000. www.nationalsmilemonth.org

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Lunch-time brushathons

Schools in West Sussex are holding a lunch-time brushathon as part of National Smile Week.


The Oral Health Promotion Team for West Sussex Primary Care Trust has invited all primary schools in West Sussex to join the National Smile Month Brushathon during the week of 8 June. They

are looking for a record number of children across West Sussex to brush their teeth in school at lunch time one day during that week.

Schools have been asked to pick a day during the week beginning 8 June and invite everyone to bring in their toothbrush for a lunch-time Brushathon.

Thelma Edwards, West Sussex's oral health promotion coordinator said: 'In September 2007, new toothbrushing guidelines were released by the Department of Health. This event would give us the opportunity of making the guidelines known to the school staff, children and their families.'

Oral health has an impact on so many different areas of life. Pain from decay or sepsis may affect school attendance and concentration. Repeated dental visits for treatment means time out of school too while dirty or artificially missing teeth may affect a child's willingness to smile or express themselves.'

She added: 'Supervised lunch-time toothbrushing at school is well evidenced as an effective oral health improvement programme. Whilst it is not practical or necessary for every school to carry out such a programme, we feel that a 'one off' effort would raise the profile of oral health for all the families that take part.' 



West Sussex schools are holding brushathons for National Smile Month

Dental packs for children


In Doncaster, the primary care trust is handing 'dental packs' to all school children in Doncaster to promote twice daily brushing.

A spokesman for Doncaster PCT said: 'Resources have also been purchased to support teachers and school nurses to promote oral health through the National Curriculum. Teachers and school nurses will attend a short training session in order to collect their resources.'

Bill boards at supermarkets and train stations across Doncaster will also promote the message to brush twice daily and not to rinse after brushing, but spit out instead.' 

PCT pilot evaluation

Peterborough PCT is holding a pilot study during National Smile Month with health visitors giving out information and 'Brushing for Life' packs to parents of babies and children aged eight months, one year and two years of age to coincide with their developmental assessments.

A spokeswoman for the PCT said: 'The pilot will have an in-built audit and evaluation outcomes and liaison with local dentists and the PCT to see if there has been any increase in uptake of dental registration.' 

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The 11th annual Dental Awards

Dental practices and their teams across the UK celebrated the best in the profession at the 11th annual Dental Awards. Hosted by the author and broadcaster, Gyles Brandreth, the event was a night of celebration for winners for categories such as Dentist of the Year, Team of the Year, Laboratory of the Year and Dental Team Support.

Lisa Townshend, chair of the judging panel said: 'The awards evening was a fantastic night. I'd like to commend everyone who entered, but special congratulations go to all of our winners – you set an example of professionalism and care for your patients for us all to follow.'

The Dental Awards 2009 was organised by Purple Media Solutions Ltd, and the British Dental Health Foundation. The event was sponsored by Denplan, The Dental Web, Dentsply and The Wrigley Company. The winners in each category were as follows:

Dentist of the Year

Northern Winner: Mike Heads – The Dental Healthcare Centre, Stockton on Tees

Highly Commended: Michael Cahill – Cahill Care Centre Ltd, Bolton

Southern Winner: Bhavin Bhatt – Smile & Wellbeing Dental Care, Bishops Stortford

Highly Commended: David Bloom – Senova Dental Studios, Watford

National Winner: Mike Heads – The Dental Healthcare Centre, Stockton on Tees

Hygienist of the Year

Winner: Karen Hails – The Dental Healthcare, Stockton on Tees

Highly Commended: Joanna Louise Jones – Andrew Kay and Associates, Covent Garden and Smile@Kingshill

Team Support

Winner: El-Nashar Dental Care Ltd – Newton Abbot, Devon

Oral Health Promoter of the Year

Winner: Emma Clithero – Dentith & Dentith Dental Practice, Rutland

Highly Commended: Julia Wilkinson – Oral Health Promotion, Nottinghamshire

Practice Design & Interior

Northern Winner: The Dental

Healthcare Centre, Stockton on Tees

Southern Winner: Swiss Smile Kids, London

National Winner: The Dental Healthcare Centre, Stockton on Tees

Dental Nurse of the Year

Winner: Kirsty Barber – Thompson & Thomas, Sheffield

Highly Commended: Sam Davis – Marsh Farm Health Centre, Luton

Dental Receptionist of the Year

Winner: Carly Campbell – Thompson & Thomas, Sheffield

Highly Commended: Jane Allen – Wendy Sandeman Dental Practice, Drimpton, Dorset

Practice Manager of the Year

Winner: Jane Armitage – Thompson & Thomas, Sheffield

Dental Therapist of the Year

Winner: Catherine Gray – Special Care and Community Dental Service, Barking, Essex

Dental Laboratory of the Year

Winner: Casterbridge Dental Studio, Dorset

Best National Smile Month Event

Winner: Dentith & Dentith Dental Practice, Rutland

Southern Winner: El-Nashar Dental Care Ltd, Newton Abbot

Highly Commended: Wendy Sandeman Dental Practice,



Technician of the Year

Winner: TJ Nicolas, The Implant and Ceramic Centre, Miserden, Gloucestershire

People's Award for Patient Care

Winner: John Patrick McVeigh from the Abbey Mead Dental Practice & Implant Centre, Tavistock, Devon

Team of the Year

Northern Winner: Thompson & Thomas, Sheffield

Highly Commended: Woodseats Dental Care, Sheffield

Drumpton

National Winner: Thompson & Thomas, Sheffield

Outstanding Achievement Award

Winner: Professor Crispian Scully, CBE

Clinical Dental Technician of the Year

Winner: Marc Northover – Ivoclar Vivadent UK, Leicester

Highly Commended: James Neilson – Winning Smiles, Gillingham, Dorset

Dental telephone service for Devon



People in Devon looking for an NHS dentist can now use a new helpline giving information on how to access dental services. The new helpline, which has been launched by Devon Primary Care Trust, opened on 1 May, and is available on weekdays between 8am and 6pm.

During evenings and weekends, there is an answer phone message directing patients to out-of-hours dental cover. The helpline is available for all dental enquiries for patients living in or visiting the Devon Primary Care Trust (PCT) area. Andrew Harris,

Devon PCT's dentistry lead, said: 'We are sure that people who wish to access an NHS dentist will be pleased that they will now be able to get instant advice over the

phone. We have listened to our patients and this step will ensure they have greater access to information about NHS dental services.'

For more information contact the dental helpline number on 0845 002 0034 or email devondentalhelpline@nhs.net

Competitions and events

Roger Holdsworth Dental Care in Bradford is holding a 'how clean are your teeth?' competition. While in London, the Ultrasmile practice in the Dockland is holding a large event distributing 3,000 packs to

commuters at Canary Wharf. It is also offering free dental check ups on 30 May. The check up which would normally cost £95 includes an oral cancer check utilising the latest ViziLite technology.



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Natasha Hamilton is supporting the walk

Calling all dentists

The Mouth Cancer Foundation is calling on people to take part in a giant sponsored walk to raise much needed awareness of mouth cancer.

Dr Vinod Joshi, the founder of the Mouth Cancer Foundation, is encouraging dental, medical and health care practitioners, friends and family from all over the UK to

sign up and take part in its fourth annual 10km walk.

The event is being held on 26 September at 2pm in Hyde Park, London. This walk is being supported by pop star Natasha Hamilton, who used to sing with the band Atomic Kitten. Ms Hamilton said 'Mouth Cancer is a disease that has affected my

family as it is how my Nan died. The Mouth Cancer Foundation plays a pivotal role in counselling and supporting patients and families who have to go through the horrors of Mouth Cancer through its online support group and telephone support service. Without them there would be no support for Mouth Cancer sufferers. It is vital that

the charity can continue to support those that need them.'

Dr Joshi of the Mouth Cancer Foundation called the walk 'a great opportunity for mouth cancer survivors, their families and friends, the public and health professionals to come together in a fun outing that will make a big noise in Hyde Park London about mouth cancer, loud enough for everyone to take notice!'

There will be free mouth cancer screening on the day, plus prizes available for top individual and team fundraisers as well as top individual and team awareness raisers. Money raised from the walk will help the Mouth Cancer Foundation improve its support for patients and carers.

To take part in the Mouth Cancer Foundation 10K Sponsored Walk visit www.mouthcancerwalk.org. Every 3 hours someone in the UK dies from Mouth Cancer. Mouth Cancer kills one in two people diagnosed due to late detection.

Symptoms include:


1. An ulcer or white or red patch anywhere in the mouth that does not heal within 3 weeks
2. A lump or swelling anywhere in the mouth, jaw or neck that persists for more than 3 weeks
3. A difficulty in swallowing, chewing or moving the jaw or tongue
5. A numbness of the tongue or other area of the mouth
6. A feeling that something is caught in the throat
7. A chronic sore throat or hoarseness that persists more than 6 weeks
8. An unexplained loosening of teeth with no dental cause

More information about Mouth Cancer is available at the Mouth Cancer Foundation web site www.mouthcancerfoundation.org or by emailing info@mouthcancerfoundation.org or calling our helpline: 01924 950 950 

Headscarf hearing

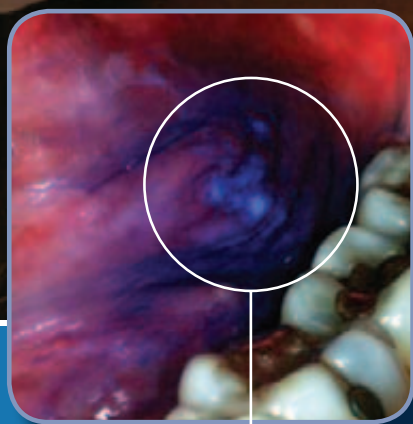
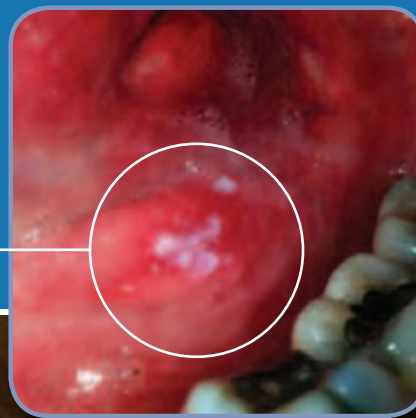
A dentist is up again before the General Dental Council (GDC) for refusing to treat a woman unless she wore a headscarf. Omer Butt, 32, told a man he would not register his family at his Lancashire practise unless his wife covered her head, it has been alleged.

Two years ago Mr Butt was reprimanded by the GDC for telling an Asian mother-of-two he would not register her unless she wore the Muslim hijab. Now he faces another two charges relating to a further two women who complained about their treatment in 2006 and 2007.

One patient said she had to leave the Unsworth Smile Clinic in Bury in pain in June 2007 because she would not wear the religious headdress. 

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Protecting your practice

John Grant considers the implications of employment law for dental practices

The figures show a 50 per cent rise over the last year in the number of tribunal claims received by ACAS for conciliation, from 105,177 to 151,249. With some employment tribunal claims including multiple complaints, the total number of complaints rose from 180,420 last year to 227,497 this year – an increase of some 26 per cent.

In 2007, the average compensation amounts awarded by employment tribunals were:

- For unfair dismissal, £7,974
- Racial discrimination, £14,049
- Sex discrimination, £10,052
- Disability discrimination, £15,059.

Being aware

The fact that many dental practices have failed to put in place the relevant documentation, policies or disciplinary procedures to protect their staff from potential exploitation makes them especially vulnerable to a successful complaint by a disgruntled prospective, present or even past employee. All principals need to be aware that:

- Since 1978, there has been a statutory requirement for all employees to be given a written statement of their main terms and conditions of employment.
- Since 2004, there has been a statutory requirement for the existence of written disciplinary and grievance procedures.
- Since 2004, the failure to follow statutory disciplinary and grievance procedures renders any subsequent dismissal *automatically unfair* – no matter what the circumstances leading to the dismissal.
- Since April of this year employers may be liable to pay compensation if a patient harasses a member of their staff on the basis of their race, sex, age, disability, or for any other discriminatory reason.

• For an employer to have any realistic prospect of successfully defending a discrimination claim – whether on the basis of race, colour, ethnic origin, nationality, national origin, religion, sex, sexual orientation, marital status, age or disability, a written Equal Opportunities Policy must be in force and employees must have been trained in its content.

lowed or staff are ignorant of their content.

However, there are two sides to the issue of documentation: for example, if an employee is contractually obliged to give four weeks notice before taking annual leave, and fails to do so, he or she cannot justifiably complain if permission is refused. This provision thus makes it possible for

disciplinary structure means employers are less likely to address the problem of under-performing staff, with damaging consequences not only for the business but also for overall staff morale.

A typical scenario, familiar to many employers, is poor time keeping by an individual employee who is habitually arriving late for work or returning from break periods. Without a pre-determined, written disciplinary procedure in place, the employer may be at a loss to know how to approach the problem without alienating the entire workforce or being accused of victimisation.

Taking disciplinary action is never pleasant, and without the confidence afforded by a recognised, established structure the temptation is to do nothing. However, the consequences of a “wait and see” approach can be disastrous. The offending employee exploits the situation further, and more conscientious staff quickly resent their additional, unpaid workload. Morale, discipline and business efficiency are all undermined by what is essentially a minor problem.

Documentation will describe the rights and responsibilities of both parties in such a situation. The employee must be notified in writing that he or she is transgressing and subject to disciplinary procedures, and also informed of their statutory rights. Most dental practice principals are clinical professionals with only a limited knowledge of employment law, and may not be aware that the offending employee must also be informed, in writing, of their entitlement to be accompanied by another member of staff at any disciplinary interview, or by a union representative whether or not they themselves are a union member. The right of appeal is also a statutory entitlement.

However heinous the employee’s conduct, any breach of their statutory rights during disciplinary procedures exposes the

employer to a charge before a tribunal of unfair treatment or unfair dismissal, with the employer’s defence against the charge undermined from the outset by established precedent.

Subject to change

Employment legislation is subject to change, with a growing emphasis on employee protection. While matters such as working hours and the minimum wage tend to make headlines, technical changes attract less attention. In order to safeguard themselves from potentially damaging claims, employers need to ensure that their documentation and procedures remain compatible with the latest developments in the law.

A successful claim for compensation against any business can have far reaching consequences, from a compromised public reputation to long-term dissatisfaction among the remaining workforce. Be sure that your practice has up-to-date, documented procedures in place and avoids the risk of becoming an expensive statistic in next year’s ACAS report. □



Ensuring that employment contracts and policies are in place and fully understood will in itself substantially reduce the risk of a dispute or a claim, but the existence of even the best documentation is still no guarantee of protection from an adverse tribunal outcome. The protection afforded by written employment and Equal Opportunities Policies is forfeited if they are not fol-

the employer to organise the business to minimise disruption when key workers are absent.

The benefits of structure

As dentistry becomes more competitive, quality and performance assume greater importance in the pursuit of survival or success. Experience has shown that the absence of a documented

About the author



John Grant

qualified as a solicitor in 1986 and joined ASPD member Howard Cohen & Co in 1987. He has been a partner at Howard Cohen & Co since 1990. He has slowly built up an excellent national reputation for advising dentists on all legal aspects of dentistry. For more information on the ASPD please call 0800 458 6773 or visit www.aspd.co.uk.



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