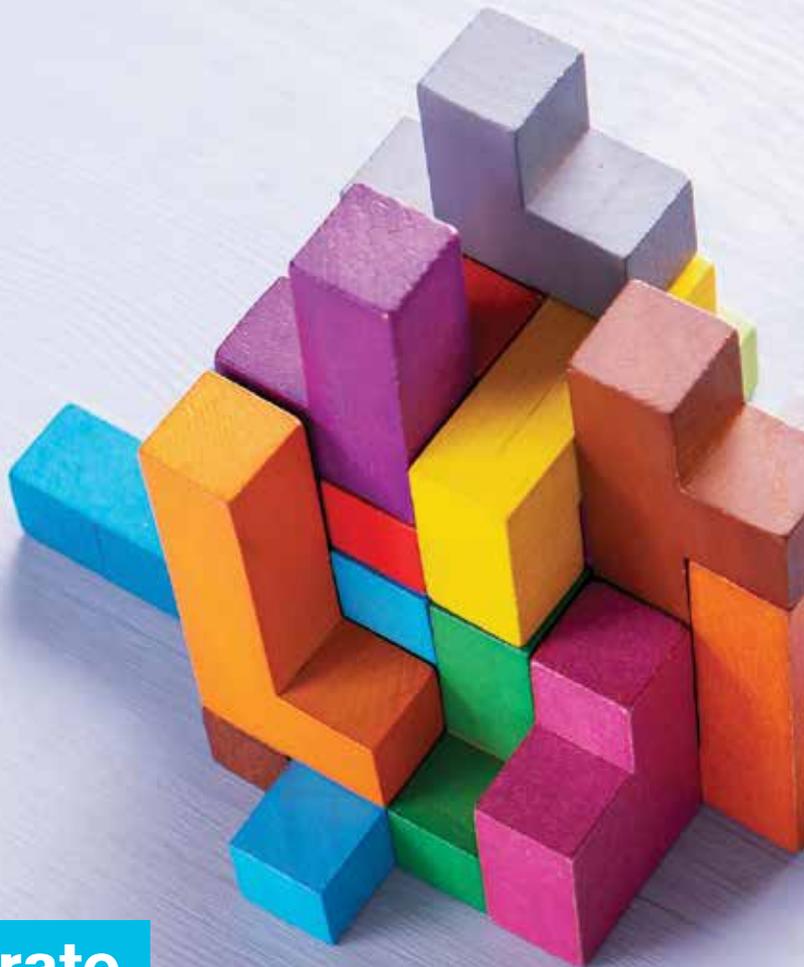




DDU



Corporate indemnity solution

Dental product guide



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Bespoke indemnity solutions

Increasingly it is likely that a claim may be made against the company instead of, or as well as, the individual healthcare staff involved in treating the patient.

Bespoke indemnity arrangements can allow clinical organisations to keep individual professional membership for their dentists and other dental professionals.

We have been helping clinical organisations with tailored indemnity solutions for over a decade.

This guide outlines the main benefits of corporate membership.



Indemnity solutions built to suit your needs, ensuring no gaps will leave you exposed.





Corporate membership

Corporate membership offers access to indemnity in the event of the company being sued for clinical negligence. This could be for its liability arising from the acts of the company's own actions or for its individual employees and subcontractors.

An important benefit of corporate membership is to protect the organisation against claims arising from the acts of staff who would not be expected to carry their own individual indemnity.

A company could be held liable for a range of failings, including:

- the poor performance or conduct of individual staff and sub-contractors, particularly employees who do not usually have their own professional indemnity
- inadequate practice systems and procedures such as patient referrals, infection control, and data protection
- poor quality training or supervision of the clinician by the company and lack of regular assessment of staff
- failure to properly investigate complaints or patient safety concerns
- lack of a system to follow up on tests conducted.

Patients can seek to make a claim against your company. In some claims it may not be possible to identify a single clinician who solely provided the negligent care. **Such claims may be made against the company contracted to provide the service.**

With corporate membership, you get access to:

1. indemnity for corporate clinical indemnity claims
2. individual indemnity for dentists for their work for your organisation (where this is purchased)
3. access to a large team of specialist dentists, lawyers and claims handlers
4. free 24-hour dento-legal advice, risk management advice and guidance.
5. free 24-hour employment law advice.

1 Indemnity for corporate clinical indemnity claims

The level of indemnity you need can be tailored to your company's needs.

Claims made against the company

- We can defend your organisation against claims that arise from the normal practice of clinical dentistry in the UK.
- Corporate membership benefits are provided on a "claims made" basis which means requests for assistance, arising from incidents when you were a corporate member, can only be made during a membership year and not after you have left corporate membership.
- We use our mutual fund to provide assistance to members.
- We will not settle a claim without your agreement.
- Where it is appropriate that patients are compensated, we aim to do so quickly and efficiently to reduce, as far as possible, the stress for everyone involved.
- We can provide indemnity and defence costs for claims brought against the company for its activities in providing clinical professional services.
- Even where claims may be made against an individual dentist, there is still a risk that the company may be sued for failures in its procedures and controls. Indemnity protects the assets of the company in the event of such a claim.

- If you face a claim, we can help you with:
 - paying compensation, claimants' legal costs and defence expenses arising from claims for professional negligence arising from your corporate clinical practice (including your vicarious liability for your identified staff*)
 - indemnity for claims arising from Good Samaritan acts carried out anywhere in the world in respect of your vicarious liability for your identified staff.

Corporate membership can also indemnify a company for legal costs and related expenses of responding to an investigation by any governmental, quasi-governmental or regulatory body (but not a registration body) or by a Clinical Commissioning Group or NHS Commissioning Board. This assistance can apply where the investigation relates to your corporate clinical practice.

- Support can also be provided for the legal expenses involved in you being represented at a coroner's inquest or FAI, where this relates to your corporate clinical practice.
- Defence against corporate manslaughter charges. Should allegations be made against you of corporate manslaughter, including arising from your vicarious liability for identified staff, in connection with your corporate clinical practice, we can provide assistance with organising and meeting the costs of defence (but not of any damages payable).
- Defence against defamation and discrimination allegations. Allegations may be made against you of defamation, sexual harassment and unlawful discrimination, by you or identified staff for whom you are vicariously liable, in connection with your corporate clinical practice. We are able to assist in defending such allegations, although we will not pay any damages which may ensue.
- All your dentists, including short term locums, and other dental professionals, which the DDU has indicated should carry their own indemnity arrangements through a professional indemnity policy or through membership of a UK dental defence organisation, should have in place adequate and appropriate individual indemnity.

- As a corporate member, you can vote on resolutions at our Annual General Meeting.
- We are not an insurance company. If you ask us for assistance or indemnity, this may be provided, at our Board of Management's discretion, under our Memorandum and Articles of Association.

Liability for the alleged clinical negligence of employed and contracted staff

- Claims brought against the company for the clinical negligence of its employees and contractors for whom the company is liable and who have been identified and agreed by the DDU.
- Indemnity can also be provided for legal expenses (but not damages) to defend civil cases where employees are accused of harassing, discriminating against or defaming patients, where this is not proven or admitted.

2 Vicarious liability indemnity for dental corporate members

In some cases, a dental corporate member may be liable for the acts and omissions of someone they employ or engage to provide services.

As a result, claims are sometimes brought against a dental corporate member rather than the dentist or dental care professional (DCP) who treated the patient.

In light of this, we provide an additional indemnity benefit to our dental corporate members alleged to be vicariously liable for the clinical negligence of a treating clinician.

Indemnity for clinical negligence claims pleaded vicariously against a dental corporate body is included as a standard benefit of DDU corporate membership.

This applies to claims that you first became aware of (and which were first notified to us) after 1 June 2021.

This benefit is provided on a claims made basis meaning that you can ask for our assistance as long as you were an active member at the time the incident happened and report it to us while your dental corporate membership is in force.

This benefit does not replace the need for all dentists working at your corporate clinical practice to have their own individual indemnity in place. It is a legal requirement that all dental professionals MUST have adequate and appropriate indemnity in place for their work.

As a dental corporate member you should obtain and retain a valid certificate of individual indemnity from dentists and other dental professionals engaged or employed by you.

We are able to provide this benefit at no additional cost as we expect the indemnity held by the treating clinician to respond to any claims brought vicariously against the dental corporate member. Where their indemnity does not respond to a claim then we would usually look to join the treating clinician in to the claim and/or seek to recover any costs and damages paid on your behalf.

You can rely on our support for

- The payment of defence costs incurred in defending clinical negligence claims where allegations are brought against a DDU corporate member on a vicarious basis.
- Paying compensation and claimant's legal costs, in clinical negligence claims, where recovery from the treating dentist or their indemnity provider was not successful
- Defence costs (but not damages or the claimant's legal costs) for claims about sexual harassment, sexual misconduct, discrimination, health and safety breaches, systematic neglect or unlawful conduct by dentists/ DCPs that are engaged by the DDU corporate member, arising from clinical practice and which the DDU corporate member is alleged to be vicariously liable.

When we are unlikely to provide support

- If you have not taken reasonable steps to make sure the treating dentist/DCP held appropriate and adequate indemnity whilst working at your corporate clinical practice.
- If the treating dentist/DCP did not have appropriate or adequate indemnity in place relating to the treatment in question. This includes a lack of (or inadequate) run-off cover where indemnity was provided on a claims made basis.
- Claims brought either in part or in whole against another practice principal/partner/ owner/company director except to the extent of our member's proportionate share of any such joint and several liability.
- Any existing claim or matter which was already known about by the DDU corporate member before 1 June 2021.
- Where indemnity is available from another provider.

3 Individual indemnity for dentists for corporate work (*where purchased*)

We can tailor corporate indemnity to the needs of your organisation, its individual dentists and other dental professionals – ensuring that the whole team has access to the support it needs.

It is not a condition of corporate membership that all clinicians must be individual members of the DDU. However, we can provide separate indemnity for individual dentists (for their work for the company) via individual DDU membership if required.

Having all your clinicians as members of the DDU can minimise conflicts when claims affecting both individual

and the company arise. It can also minimise costs and delays in handling claims as all matters are dealt with by one indemnifier.

Individual membership is provided on an occurrence basis. As long as an incident occurs while the individual is a paid member of the DDU, they can seek assistance with a claim even if it arises after they have left.

Alternative options are available for individual clinicians who do not want to change their existing indemnity arrangements.

4 Access to a large team of specialist dentists, lawyers and claims handlers

- We are led and staffed by dentists with real-life experience of the pressures and challenges faced in practice.
- Our dentists are able to consider different arrangements, advise on risk mitigation measures and suggest appropriate pricing.
- Experienced underwriters work as a team to assess and price a wide range of corporate and individual dental indemnity risks to provide a tailored solution for your organisation.
- Our team of specially trained dentists help our members with dento-legal advice. Our telephone advice is available for urgent queries 24 hours a day, 365 days a year.

5**Free risk management guidance, expert dento-legal publications and 24 hour employment law advice**

- Risk management advice

Expert help to minimise exposure to risk in your practice. You can ask for our support with dento-legal issues whenever they arise. Our advisers are all experienced dentists who understand the pressures and challenges you face.

- Dento-legal guidance

Access to our extensive online library of advice and guidance including podcasts, videos and webinars.

- Free 24-hour employment law advice

Corporate members receive free access to a 24/7 employment law advice line.

You can receive:

- immediate advice from dedicated consultants with in-depth experience in employment legislation contractual requirements and case law precedents
- telephone coaching when managing difficult or complex employee relations
- access to a team of specialist solicitors who can advise on contractual matters.

How to contact us

Membership

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e corporate@theddu.com

Advisory

t 0800 374 626

e corporate@theddu.com

Your feedback

Give us your feedback about the DDU

theddu.com/feedback

Website

theddu.com/corporate



†The Dental Defence Union (DDU) is the specialist dental division of The Medical Defence Union Limited (MDU) and references to the DDU and DDU membership mean the MDU and membership of the MDU.

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