

Case 200700667: A Dental Practice, Lothian NHS Board

Summary of Investigation

Category

Health: Dentistry; Deregistration

Overview

The complainant (Mrs C) raised concerns about the fact that she was unfairly deregistered from a dental practice (the Practice) when she arrived late for an appointment.

Specific complaint and conclusion

The complaint which has been investigated is that Mrs C was unfairly deregistered from the Practice when she arrived late for an appointment (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Practice:

- (i) apologise to Mrs C for deregistering her without warning;
- (ii) review the operation of their no-tolerance policy in light of the National Health Service (General Dental Services) Scotland Regulations 1996; and
- (iii) make any policies clear in the information which they give to new patients.

The Practice have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 18 January 2007, the complainant (Mrs C) arrived 15 minutes late for a 35 minute appointment at a dental practice (the Practice). Because of this, Mrs C was deregistered from the Practice and had to find another dentist to carry out the treatment. Mrs C complained to the Practice in an undated letter which she told me was posted on 2 April 2007. The complaint was acknowledged by the Practice on 17 April 2007 and responded to on 20 April 2007. The Practice explained to Mrs C that they have a no-tolerance policy towards lateness. Mrs C complained to this office on 4 June 2007.

2. The complaint from Mrs C which I have investigated is that Mrs C was unfairly deregistered from the Practice when she arrived late for an appointment.

Investigation

3. During my investigation of this complaint, I considered correspondence between Mrs C and the Practice, reviewed the Practice's 'Patient Guide', considered the National Health Service (General Dental Services) Scotland Regulations 1996 (the Regulations) and made specific enquiries of the Practice.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Practice were given an opportunity to comment on a draft of this report.

Relevant Regulations

The National Health Service (General Dental Services) Scotland Regulations 1996

Part II

Termination of a continuing care arrangement or a capitation arrangement

11. — (1) Subject to sub-paragraph (4), a dentist who wishes to terminate a continuing care arrangement or a capitation arrangement shall give to the patient 3 months' notice in writing of the termination of the arrangement.

(2) Where a dentist gives notice under sub-paragraph (1), he shall use his best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which he has agreed to provide for the patient and which is outstanding and any further treatment that may be necessary to secure and maintain his oral health.

(3) Where a dentist gives notice under sub-paragraph (1), he shall notify the Health Board accordingly and give details to the Health Board of any care and treatment which he has agreed to provide to the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(4) Where a dentist wishes a continuing care arrangement or a capitation arrangement to be terminated on less than 3 month's notice, he shall apply in writing to the Health Board—

(a) asking that it terminate the arrangement;

(b) setting out the reasons why he wishes the arrangement to be terminated; and

(c) giving details of any care and treatment which the dentist has agreed to provide for the patient and which is outstanding including any arrangements made for completion of that care and treatment.

(5) Where a dentist applies to the Health Board under sub-paragraph (4), the Health Board may, after considering any representations made by the patient, terminate the arrangement on such date and on such terms as to completion of any outstanding care and treatment mentioned in sub-paragraph (4)(c) as it thinks fit, save that, where an arrangement is terminated because the patient has refused to pay the NHS charge, the dentist shall not be obliged to complete that care and treatment.

(6) A Health Board which terminates an arrangement under sub-paragraph (5) shall so inform the patient, the dentist and the Board in writing.

Complaint: Mrs C was unfairly deregistered from the Practice when she arrived late for an appointment

5. On 18 January 2007, Mrs C arrived 15 minutes late for a 35 minute appointment at the Practice. Mrs C required treatment for a broken tooth. This was not an emergency and Mrs C was not in pain. Because of her lateness, the Practice deregistered Mrs C who consequently had to find a new dentist to carry out the treatment. It took Mrs C several weeks to find a new dentist and she was told that she could not be seen before July 2007. Mrs C informed me that the treatment has only recently been carried out.

6. Mrs C stated that she had been late for reasons outwith her control as there had been a road accident which resulted in her being caught in traffic whilst on her way to the Practice.

7. In their response to Mrs C's complaint, the Practice explained that the dentist who had been due to carry out the treatment (the Dentist) had waited 10 minutes for her to arrive and, when she did not turn up, commenced treatment for another patient who was waiting. The Practice went on to explain that they had a no-tolerance policy for lateness and that if new patients waste a dentist's time, they are asked to seek treatment elsewhere. They stated that the Practice had had problems with new patients, such as Mrs C, who fail to turn up or are late for appointments and that this cost the Practice a considerable amount of money. For these reasons, the Dentist had deregistered Mrs C and advised her to seek treatment at another practice.

8. I reviewed the Practice's 'Patient Guide' (the Guide) and appointment card which constitute the information provided to patients about the Practice's policies. The Guide states that 'a fee will be charged if an appointment is broken or cancelled without 24 hours notice' and this information is repeated on the appointment card. I found no mention in the documentation of the Practice's no-tolerance policy towards lateness which they had described to Mrs C and to me.

9. The Regulations state that a dentist must give the patient three months' notice in writing of the termination of the continuing care arrangement. They also state that the dentist should use his/her best endeavours to complete satisfactorily before the termination of the arrangement any care and treatment which s/he has agreed to provide for the patient and which is outstanding.

Conclusion

10. The Regulations state that a dentist must give a patient three months notice before deregistering them. Even if the no-tolerance policy were reasonable, the information given by the Practice to patients makes no mention of deregistration but states that the patient will be charged for the broken appointment. In these circumstances, the Practice's response seems disproportionate and unfair; it is also contrary to the Regulations. For these reasons, I uphold Mrs C's complaint.

Recommendation

11. The Ombudsman recommends that the Practice apologise to Mrs C for deregistering her from the Practice without warning. She also recommends that the Practice should review the operation of their no-tolerance policy in light of

the Regulations and make any policies clear in the information which they give to new patients.

12. The Practice have accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Practice notify her when the recommendations have been implemented.

21 November 2007

Explanation of abbreviations used

Mrs C	The complainant
The Practice	The dental practice against which the complaint was made
The Regulations	The National Health Service (General Dental Services) Scotland Regulations 1996
The Dentist	A dentist within the Practice
The Guide	The Practice's patient guide