



# COMPLAINING ABOUT DENTISTS

## Inadequate complaints procedures for dental treatment leave consumers toothless, as our survey reveals



Antonia Chitty exposes the problems of getting redress for poor dental treatment

If you've received bad treatment or poor service from your dentist, your chances of getting a complaint about it resolved satisfactorily don't look good. In our survey of 155 people who had experienced a problem with their dentist, the majority were dissatisfied with the way their complaint was dealt with. Just 10 per cent of dentists gave information on how to complain, and most people found little or nothing was done when they did.

Take Diana Carter, from Brighton, for example, who experienced appalling treatment when she had root canal work carried out by a private dentist. 'My dentist sent me to a root specialist who drilled for five minutes, stopped, put the chair upright, and told me to pay £30 at reception – I was expecting to pay £300. He told me to return to my dentist as it was too difficult (for him to complete the work). My dentist then continued with the root canal treatment. It was later I

discovered that my sinus had been punctured and I needed a hospital visit to repair it.'

Diana would have liked an apology at least, and preferably some compensation. However, as she told us 'both dentists blamed each other' and 'no one took responsibility'. She wasn't informed about any practice complaints procedure. As she was a private patient, her only other option was to take legal action, which she decided against. 'My health insurance paid up eventually, but I still have pain from the operation,' said Diana.

### CAUSES OF DISSATISFACTION

Some of the most common causes of dissatisfaction with dentists included poor quality



who paid for private treatment. And some NHS patients complained that their dentist tried to get them to pay for treatments that should have been available on the NHS. For example, Ruby Carter, from London, was told by her dentist that she should have work done on a crowned tooth privately, although she wanted it to be done on the NHS.

'The dentist tried to get me to pay privately, saying he would do a better job. When I did not agree, he dismissed the dental assistants, and went on to work on my tooth, without using any anaesthetic. He then decided it wasn't possible to save the tooth and had to anaesthetise me to take the rest of it out. When I asked about filling the gap, the

## 'BOTH DENTISTS BLAMED EACH OTHER ... NO ONE TOOK RESPONSIBILITY'

Diana Carter

treatment and mistakes. The treatments that drew most complaints included crowns, fillings, root canal work, and dentures. For example, one woman told us that her dentist had misdiagnosed a root infection and told her the pain was due to clenching her jaw.

The service and attitude of staff was another cause of dissatisfaction; many complained about a lack of respect. One man complained about a total lack of communication from his dentist: 'He decided I needed a filling without telling me...he never uttered a word (while putting it in).'

Excessive charges were a problem for almost half of those

options he gave me were for private treatment,' said Ruby.

### WHO DO YOU COMPLAIN TO?

The systems for making complaints are complex and confusing. Who you complain to depends on whether your treatment was NHS or private, and the nature of the complaint. NHS patients can use the NHS complaints procedure. This involves first complaining to your dentist and, if you are unhappy with their response, you can complain to your primary care trust, health authority or board. Community health councils (CHCs) can help you make your complaint. However, the NHS complaints

## OUR CAMPAIGN ON PRIVATE DENTISTRY

Consumers' Association (CA) has made a formal call to the Office of Fair Trading (OFT) to investigate private dentistry. We're concerned about the lack of transparency and variations in charges for private dental treatment (see 'Extracting your cash', *Which?*, September 2001, p6). We've also complained about the limited access to NHS treatment (see 'Mouthing off', *Health Which?* October 2001, p10) and the lack of redress available for private patients (highlighted in this feature). We want the OFT to ensure that consumers have a choice between NHS and private dentistry, and that they get value for money and fair treatment.

CA is putting forward a Private Member's Bill. If passed, it would ensure that the Care Standards Commission, the private health care watchdog, regulates private dentists, sets standards, and creates a statutory complaints procedure for all dental patients.

PHOTOGRAPHY MICHAEL SULLIVAN, JOHN TRENHOLM ILLUSTRATION PAUL BOSTON

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procedure will not give financial compensation. You have to seek legal action if this is the outcome you want.

Private patients can only complain directly to the dentist's practice or seek legal action, unless the complaint constitutes 'serious professional misconduct'. Both NHS and private complaints of this nature should be taken to the

The GDC's Chief Executive, Antony Townsend, admits there are problems with the complaints system. 'The current fragmented system is not comprehensive and is confusing to patients,' he says. 'The GDC is currently developing proposals for a new complaints system, separate from the GDC, which could deal with all complaints (not judged serious enough for the GDC)'.

**COMPLAINING TO THE DENTIST**

Complaining to your dentist's practice is the first step to take

but they were more likely to be dissatisfied with the outcome than those who also complained to other organisations, such as a health authority. Many found the dentist refused to consider their complaint, or didn't reply at all. One NHS patient was told by his practice that as root canal work 'sometimes doesn't work', and the dentist who treated him had left the practice, they weren't prepared to do anything about his complaint.

Many people may be put off complaining to their dental

'I'd have appreciated...the work being inspected by an impartial party.'

**OTHER ORGANISATIONS**

In our survey, 16 per cent of those who made a complaint had made it direct to a health authority or board. They were significantly more likely to get at least a reply than those who complained only to their dentist. A further 12 per cent went to the GDC. More private patients chose this route than NHS patients. This is not necessarily because they were more likely to experience serious problems, but possibly because their only other option was to take legal action.

**LEGAL ACTION**

If you take legal action, you won't necessarily get an apology or an explanation, but the courts can order financial



**'THE DENTIST SAID HE'D DO A BETTER JOB IF I PAID PRIVATELY'** Ruby Carter

General Dental Council (GDC). See the flow chart on p10 for more information about how to complain.

in any complaint. Most people in our survey who made a complaint (84 per cent) did complain to their dental practice,

practice because the person who caused the problem may also handle the complaint. As one person in our survey said:

## HAVE YOU HAD A PROBLEM WITH A DENTIST? Use our guide on how to complain

First try to resolve the problem with your dentist. Contact the dentist or the person at the practice responsible for complaints as soon as possible. The NHS only investigates complaints made within six months of the event, or within six months of your realising that there is a problem, as long as this is within 12 months of the event. You should get a full reply within ten working days of making the complaint.

**1** Are you satisfied with the response from the dentist?

Yes

Complaints process ends

No

**2** Was your treatment private or on the NHS?

### PRIVATE TREATMENT

Your options include legal action or reporting the dentist to the General Dental Council (GDC).

### LEGAL ACTION

You may want to obtain legal advice to see whether you can claim a refund of fees, or make a claim for compensation for personal injury. Talk to a solicitor, a citizens advice bureau or a law centre. The Law Society (see 'Contacts and links', p57) has a register of firms specialising in clinical negligence.

### GETTING HELP

Action for Victims of Medical Accidents (AVMA), a national charity, offers information and advice about medical accidents, telephone help with complaints, and emotional help through its support network. AVMA can advise on whether you have grounds for a legal claim for negligence and refer you to an experienced solicitor. If you are already pursuing a legal claim but are worried about how your case is being managed, AVMA can offer independent advice. AVMA can also help if you are complaining about NHS treatment.

### NHS TREATMENT

The NHS complaints procedure can offer an investigation, an explanation, and an apology, but not financial compensation.

If you're dissatisfied with your dentist's response to your complaint, approach your local primary care trust, health authority (in England or Wales) or board (in Scotland and Northern Ireland) within four weeks. A trained member of staff (called a convenor) will consider your complaint, and assess whether the dental practice has done enough to resolve it. They may suggest you go back to the dental practice, or they may convene an independent review panel, but you don't have an automatic right to this. The panel will investigate the issue, using expert advice if it is clinical. It will write a report about its investigation. The dentist will be asked to write to you about what he or she has done about the panel's suggestions.

If your complaint has still not been resolved, you can go to the health service ombudsman, who is independent of the NHS and the Government. He usually considers only complaints that have been through the NHS complaints procedure.

### GETTING COMPENSATION

If you need financial compensation, you'll have to take legal action. However, the NHS complaints procedure won't deal with your problem if you take legal action. (See 'Legal action' and 'Getting help', left, for information on taking legal action.)

### GETTING HELP

For help with making an NHS complaint, contact your local community health council (to become patient advocacy and liaison service from September) in England and Wales, local health council in Scotland, or health and social services council in Northern Ireland – you'll find details of these organisations in the telephone directory, libraries or in GP surgeries. They offer free, confidential help and advice on making a complaint and can write letters for you and attend meetings with the dentist or health authority.

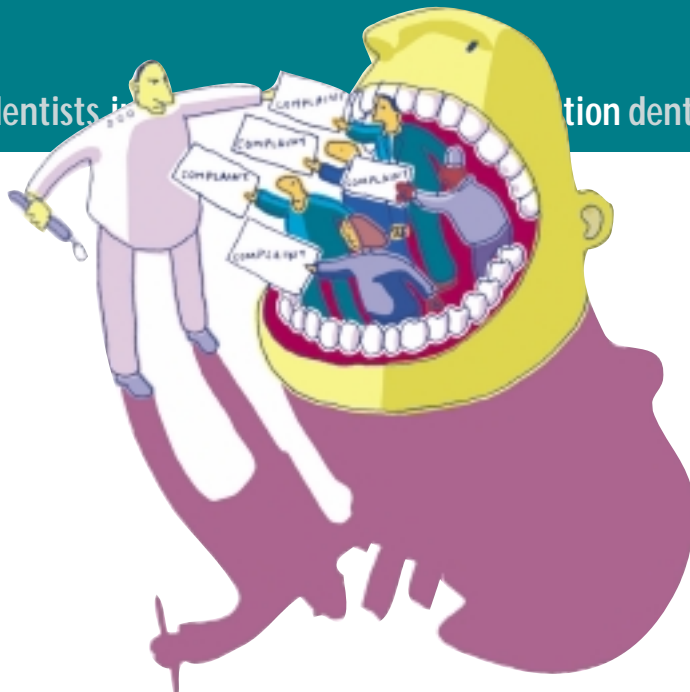
**3** Is your complaint about serious professional misconduct? In other words, did the dentist, for example, fail to carry out necessary treatment satisfactorily, or was there a lack of skill and attention, or do you believe the dentist is unfit to practise due to illness or drug problems?

Yes

Write to the GDC with your dentist's details, why you're complaining, and send any relevant documents. The GDC will tell the dentist that a complaint has been made about them. A senior member of the GDC (the screener) will determine whether the complaint shows evidence of serious professional misconduct. If they decide the complaint is not serious, you will be told, and the GDC can take no further action.

If the screener thinks the case is serious, it is referred to the preliminary proceeding committee (PPC), which considers it alongside comments from the dentist. If the PPC decides there is no case to answer, the GDC

can take no further action. The PPC may advise or warn the dentist about future conduct or, if it decides that there is evidence of serious professional misconduct, refer the complaint to the professional conduct committee (PCC). The PCC meets in public and a solicitor or barrister presents the GDC's case against the dentist. You may need to give evidence. If the facts are proven beyond reasonable doubt, the PCC decides whether they amount to serious professional misconduct. The GDC may then give the dentist a formal warning, postpone judgement for a report on their conduct, suspend them, or strike them off.



compensation. If you're an NHS patient, the NHS complaints procedure won't investigate your complaint if you're taking legal action.

One woman in our survey took legal action against her NHS dentist because he'd left filling material embedded in her gum. Her health authority dropped her case, but the dentist's insurers offered her £1,600 compensation in an out-of-court settlement.

**LACK OF ADVICE**

Our survey highlighted a lack of information on how to complain. Only 36 per cent were given any information about complaining. Of those who complained to their dentist's practice, only 10 per cent were given advice about complaining by the practice. Private patients were worst off, getting less

unhappy with the response they received to their complaint. For example, one person told us: 'while the practice's reply explained about the faulty equipment, the locum dentist gave no answer as to why he'd tried to inject the wrong side of my mouth.'

Of the complaints made that weren't dealt with, in ten cases the dentists concerned refused to consider them at all, while in six cases, no reply was given by

**WHY PEOPLE DIDN'T COMPLAIN**

Despite having cause for complaint, a third of people in our survey didn't go on to complain, mainly because they felt there wasn't any point. Other reasons people gave were that they didn't know how to. Some were worried about the consequences of complaining as it might affect their relationship with their dentist and any future treatment. One woman told us that she didn't want to

there are several complaints about them. Patricia Midgley, received brutal treatment from an NHS dentist while she was having some teeth extracted. Also, the poor stitching he'd done left her with a serrated gum line. 'I complained to the GDC about my dentist, and he was suspended for a year,' said Patricia. As the GDC had received another complaint about the dentist, it was already on his case.

**OUR SURVEY**

We advertised in national newspapers in May 2001 for people who'd had problems with their dentist. Of the 277 people who initially responded, 155 returned a questionnaire.

Sixty five per cent of respondents had their treatment funded mainly or partly by the NHS, 31 per cent paid privately, 3 per cent used a payment plan, and 1 per cent had private medical insurance.

Health authorities received about 8,000 complaints last year, and the GDC received 900. While many people are happy with their treatment, or have resolved complaints satisfactorily, our survey highlights the weaknesses in the complaints procedures when patients do need support.



**'I COMPLAINED TO THE GDC ABOUT MY DENTIST, AND HE WAS SUSPENDED'** Patricia Midgley

access to information than NHS patients.

If you need help making a complaint, contact your local CHC. Those in our survey who did so were more likely to have gone on to make a complaint or take legal action.

**WHAT PEOPLE WANTED**

The main thing people wanted to achieve by complaining was to prevent the same thing happening to someone else. They also wanted an apology, recognition that a mistake had been made, and action to resolve the problem. Some wanted a refund, or for work to be redone free of charge. Others wanted further training for the dentist, and an explanation of what had gone wrong.

**WHAT ACTUALLY HAPPENED**

In almost two thirds of cases, people in our survey were

the organisations complained to. Some people reported that their complaint took more than two years to resolve.

Overall, NHS patients in our survey were less likely to be very dissatisfied with the outcome of their complaint, the information given to them, and the length of time taken to deal with their complaint.

complain as there weren't any other dentists in her area. Others felt that their complaint would make it difficult to get a new NHS dentist.

**WHY YOU SHOULD COMPLAIN**

Not all complaints go unheard. When complaints are being investigated, it is easier to build a case on a particular dentist if

<b>FURTHER INFORMATION</b>
<a href="http://www.gdc-uk.org/">www.gdc-uk.org/</a> for information on making a complaint
<a href="http://www.avma.org.uk">www.avma.org.uk</a> for advice and support in making a complaint
<a href="http://www.ombudsman.org.uk">www.ombudsman.org.uk</a> for information on making a complaint

**RECOMMENDATIONS FOR CHANGE**

The NHS is reviewing its complaints procedure, and we'd like to see the following happen:

- the creation of a single complaints procedure for both NHS and private patients
- the introduction of standards for information on how to complain and guidelines that advise patients about complaining
- dentists taking advice from organisations such as the British Dental Association on how to improve their complaints procedures
- better training for staff who deal with complaints
- realistic timescales set for responses to complaints

- an impartial third party to mediate in and resolve complaints where necessary. We welcome the NHS's proposed independent complaints advisory service
- compensation available within the NHS complaints procedure, through an independent body that could impartially investigate the complaint and award damages where relevant
- better monitoring of complaints. Health authorities and boards and the GDC collect data on the complaints they receive, but no single body oversees all dental complaints. So it's hard to tell if a particular dental practice is generating lots of problems

