

DENTAL
COMPLAINTS
RESOLUTION
SERVICE



A Guide to the
Dental Complaints
Resolution Service

Message from the Mediator, Michael Kilcoyne

The Dental Complaints Resolution Service offers dental patients a chance to resolve complaints about their dental treatment fairly and quickly. While operating completely independently, the Service is backed by the Irish Dental Association.

Should you have a dental complaint that you are unable to resolve directly with your dentist the Dental Complaints Resolution Service may be able to help.

The purpose of this booklet is to explain how the Service works. Please read it and then contact me if you feel I might be able to assist you.



Michael Kilcoyne

Mediator

Dental Complaints Resolution Service

A Guide to the Dental Complaints Resolution Service

Q1. What is the Dental Complaints Resolution Service (DCRS)?

A. This is a service which helps patients and dentists to settle their differences with the help of an experienced mediator (see question number 23).

Q2. Who provides this service?

A. The Irish Dental Association developed and provides the service to improve the care and treatment that dentists in Ireland provide.

Q3. What type of complaints does the service deal with?

A. The service deals with most complaints about dental care and treatment in the Republic of Ireland.

Q4. What type of complaints does the service not deal with?

- A. The service does not deal with complaints about:
- medical card or a PRSI scheme (there are other services to deal with these);
 - insurance-based schemes such as those offered by VHI, Aviva Health, and so on;
 - allegations of criminal activity.

Q5. What are the most common complaints from patients?

- A. Complaints relate mainly to treatment standards, diagnoses, communications, patient concerns and procedures, professional etiquette, manners and fees.

By taking part in the Dental Complaints Resolution Service, dentists and patients can sort out their differences with the help of an experienced mediator.

Q6. Is there a charge for patients to use the service?

- A. There is no charge for patients.

Q7. Is there a charge for dentists to take part in the service?

A. There is no charge for members of the Irish Dental Association (IDA). Non-members who want to take part in the service pay a yearly administration charge of €350 (or €95 for non-IDA members who are members of Dental Protection).

Q8. Why should dentists and patients take part in this service?

A. Until this service was set up, complaints between dentists and patients which could not be sorted out were referred to the Dental Council of Ireland, the small claims court or other civil courts. This was expensive, time-consuming and distressing for both dentists and patients.

Q9. Can the service decide how much a dentist can charge?

A. No. Dentists set their own fees. But they must clearly display these fees under rules laid down by the Dental Council. The service can however hear complaints about the lack of clarity surrounding fees.

Q10. Are there similar services in other countries?

A. Yes. There are complaints resolution schemes in Western Australia, Hong Kong, New Zealand, the United Kingdom and the United States.

Q11. What has been the experience of international schemes?

A. A report by the Dental Complaints Service in the UK showed that 67% of complaints were resolved within one week.

Q12. How do patients contact the service?

A. Patients can contact the service by:

- telephone (094) 902 5105;
- in writing (to Dental Complaints Resolution Service, Castlebar, Co Mayo);
- email (michael@dentalcomplaints.ie); or
- web by filling out the form on www.dentalcomplaints.ie.

Q13. What will the DCRS do when patients first contact them?

A. The DCRS will:

- encourage patients to discuss their complaint with their dentist, if they have not already done so;
- give information to help patients decide what to do;
- discuss with the patient the options that are open to them.

Q14. What other options do patients have?

A. This depends on the nature of the complaint. For example, patients can:

- complain to the Dental Council if the issue is about professional misconduct;
- take legal action against their dentist. If the patient is thinking about a claim for negligence, the mediator may still consider the claim but will advise the patient to get legal advice from solicitors;
- consider criminal proceedings, if this is relevant, by reporting the matter to An Garda Síochána, if this is the proper action to take.

Q15. What type of information will the DCRS initially need from the patient?

A. The DCRS will need:

- the name, address, telephone number and, if available, email address of the patient;
- the name and address of the person making contact (if they are not the patient) and their relationship to the patient. In some cases, the DCRS may ask for the patient's consent in writing for the mediator to contact the dentist;
- the name, address, telephone number and email address of the dentist involved;
- details of the complaint; and
- an understanding of what outcome the patient wants.

Q16. What other information might be needed?

A. Later, the DCRS may need additional information or documents about the complaint. This will include a written description of the complaint. These will be copied and the originals will be returned to the sender. Copies will be stored until the complaint is resolved.

Q17. What happens after a complaint has been made?

- A. The mediator will phone the patient to clarify the complaint and the patient's realistic expectation.

The DCRS will also advise the patient that they can get help from other organisations such as the Citizens Information Board.

Q18. What happens once the DCRS accepts a complaint?

- A. The DCRS will write to the patient by post or by email, normally within five working days. This letter will ask the patient to sign a statement confirming their agreement to the DCRS's procedures and giving the DCRS permission to contact the dentist to discuss the complaint and get relevant information.

Q19. What happens if the complaint involves possible clinical negligence?

- A. The mediator will ask the patient to supply records and x-rays from the dentist who is the subject of the claim. The mediator will also ask for the records, x-rays and a detailed, costed treatment plan from any dentist who subsequently treated the patient. If the patient prefers, the patient can give written consent to let the mediator get this information.

The mediator may also ask for a report from an independent expert nominated by DCRS. This report may be prepared from records alone or by examining the patient.

Q20. What should the dentist do if an allegation of clinical negligence is made?

- A. The dentist should get the advice and support of their indemnity advisers. The role of the mediator will be to exchange information rather than investigate the details of the claim.

Q21. What happens if the complaint involves professional misconduct?

A. The DCRS does not deal with complaints of professional misconduct. It will advise the patient to contact the Dental Council.

Q22. Will the DCRS work with the patient's lawyer?

A. No. The DCRS will only work with the patient or guardian of people under 18 years. It will not deal with a patient's legal representatives

Q23. Who is the mediator appointed by the DCRS?

A. The mediator is Michael Kilcoyne, a former member of the Dental Council and the Medical Council and a former chairperson of the Consumers' Association of Ireland. Mr Kilcoyne worked for many years as a full-time trade union official with SIPTU.

Q24. What does the mediator do?

A. The mediator will discuss the complaint with the dentist and the patient by phone to try and resolve the problem. This may take several telephone discussions. It is unlikely that the mediator will need to meet either the dentist or the patient face-to-face.

Q25. What happens when agreement is reached?

A. The mediator will record the details in the file. The mediator will then write to the patient and the dentist setting out the agreement. Both the dentist and the patient can share this letter with others.

Q26. What happens if agreement is not reached?

A. The mediator will offer the patient the option of:

- a) forming a complaints panel; or
- b) getting an independent clinical opinion, if this is suitable either by review of records or by examination of the patient.

Q27. What is a complaints panel?

A. This is a group of lay people and dentists who will review the complaint and make recommendations. The panel can only make recommendations. It cannot enforce them.

Q28. Who could be on the complaints panel?

A. Panels consist of at least one lay person and one dentist, drawn from the DCRS list of panel members. The chairperson of the panel is a lay person. There is also a secretary to take notes. The mediator chooses the panel members.

Q29. Can the patient and dentist attend the complaints panel?

A. Yes. DCRS will invite the patient and dentist to attend the complaints panel.

Q30. What happens before the complaints panel?

A. The mediator will ask the patient to put together a short statement listing the unresolved issues. This will be given to the panel members and the dentist about 10 working days before the meeting.

Before the hearing the mediator will decide if an independent clinical opinion is needed to help the panel reach a decision.

Q31. What if a panel member has a conflict of interest?

A. Panel members must say if they have a conflict of interest in the complaint. If they do, they must withdraw from the panel. The mediator will appoint a new panel member before the hearing.

Q32. What are the possible outcomes of a complaints panel hearing?

- A. If the patient and the dentist reach an agreement during the panel meeting, the panel may recommend that they both follow this agreement.

If the patient and the dentist cannot reach an agreement, the panel may recommend one of the following outcomes:

- the complaint be closed with no further action; or
- no further action be taken on this complaint, but any recommendations made about future practice be followed; or
- the dentist should apologise to the patient; or
- the dentist should offer a full or partial refund of fees; or
- the dentist should cover the cost of remedial treatment; or
- the dentist should contribute to the cost of any remedial treatment (with the amount approved by the panel); or
- in rare cases, the panel may not be able to recommend an outcome. In these cases, the panel may either:

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- record that it could not recommend an outcome; or
 - ask for more information in writing.

If the panel asks for more information, it may meet again to agree a recommendation to resolve the complaint.

If panel members are divided on what they should recommend, the view of the majority will count.

Q33. What happens after the complaints panel?

A. The panel chairperson will write to the patient and the dentist within 10 working days with the panel's decision.

Q34. Can the patient appeal the complaint's decision?

A. No. The recommendation of the panel is the end of the complaint process. If the patient wants they can opt for an independent clinical opinion. DCRS can arrange this. The dentist pays for this. A patient cannot appeal the independent clinical review.

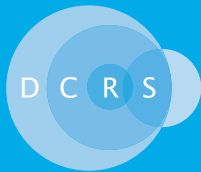
Q35. Must the dentist follow any recommendations made by DCRS?

A. No. The recommendations are not compulsory.

Q36. What can the patient do if they are not happy with the outcome?

A. The patient may take legal action if they are not satisfied with the outcome.

Taking part in the DCRS process will not affect any legal action in the future. You are also entitled to bring your case to The Dental Council of Ireland.



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irish dental association

The Dental Complaints Resolution Service
is independent but is supported by the
Irish Dental Association.