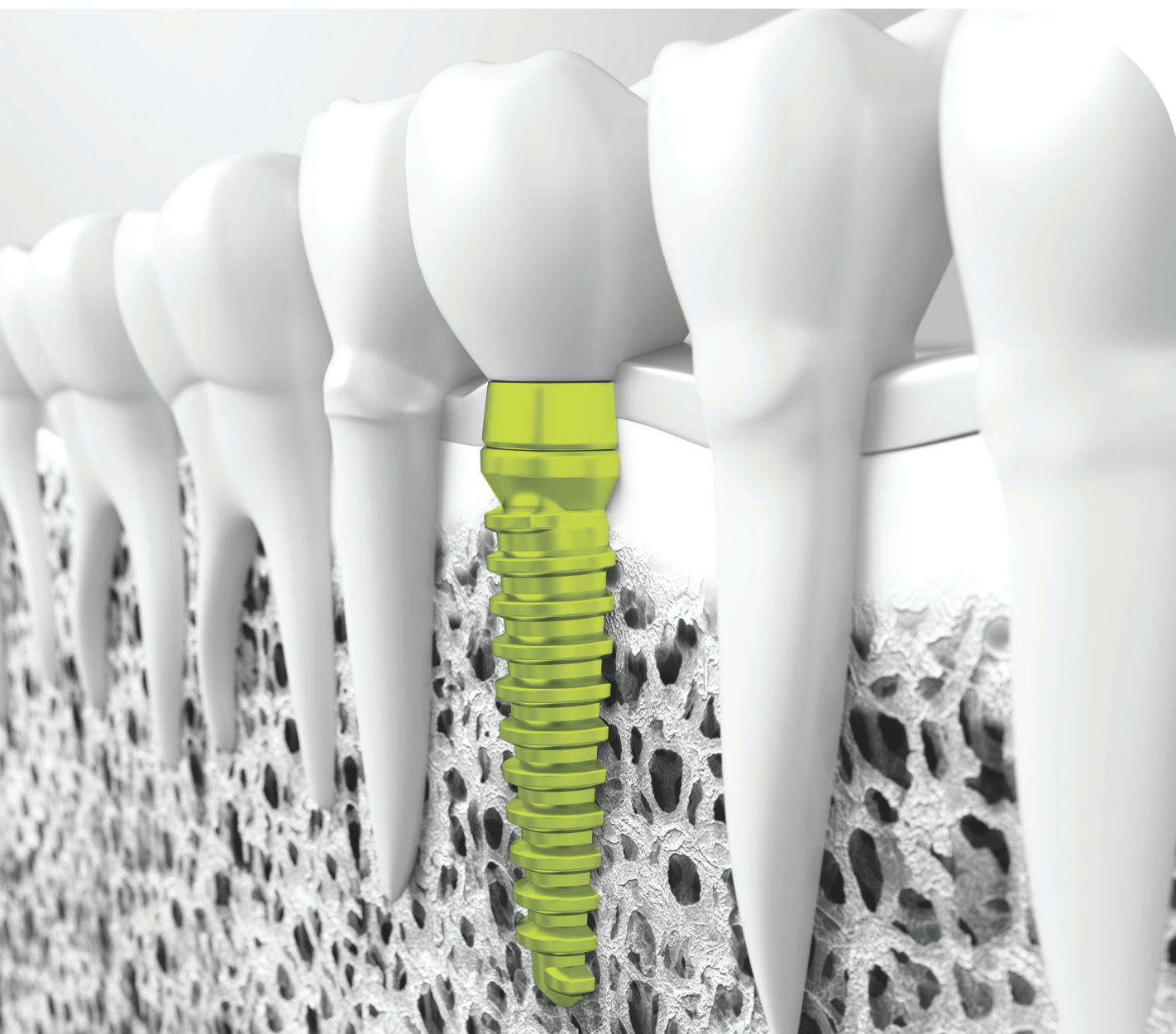


# Tackle your legal issues

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What can impact your dental practice?  
The risks and the fixes.



# What can impact your dental practice?

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## Dental advice line

Hempsons' dental advice line is open between 10.00 am to 4.00 pm, Monday – Friday. Our team of experts can offer dentists and members of dental teams up to ten minutes' free legal advice.

Simply telephone **020 7839 0278** and ask for the dental advice line or email **c.morris@hempsons.co.uk**.

## Partnership/Expense Sharing Agreements

The decision to go into a partnership (whether this be a full equity sharing arrangement or merely an expense sharing arrangement) may be taken quickly and easily – but the repercussions of failing to record these arrangements accurately are likely to be far more challenging to untangle if your business relationship has not been set up properly from the outset.

It may be very dangerous to seek to rely on a “standardised” document in this respect, as the majority of relationships are not entirely standard – and it is often the “differences” which are likely to come to the fore and to cause a problem at a later stage.

We have experience of drafting appropriate documentation with the knowledge of the issues that are most likely to cause concern at a later date, enabling you to take all relevant steps to best protect yourself – and to go into your new business relationship with your eyes open.

## Buying/selling a practice

Buying or selling a dental practice is a complex process which often involves a number of regulatory hurdles. We have a highly experienced and specialist team that deals with this work. They are commercial lawyers who understand the regulatory context, i.e. the GDS and PDS Regulations, the Dentists Act and CQC requirements. Our team is used to dealing with sales and purchases of all sizes – from small transactions where an associate is buying out a principal to multi-million pound transactions where a dentist is selling to the large corporates such as IDH and Oasis.

We act for dentists in asset sales/purchases as well as share sales/purchases (where the target practice is being operated through a limited company). We know the in's and out's of transferring NHS Contracts from seller to buyer and we can advise on the necessary changes required to CQC registration as part of the transaction process.

## Premises

Premises form the most crucial aspect of any dental practice as without them, it is quite simply impossible to provide a service – yet it is not simple to find alternative premises down the road. Planning issues are always of paramount importance and particularly in the case of NHS premises, the DV and NHS England have a significant impact on what you may wish to do.

Whether you are an owner or an occupier, it is essential to ensure that the basis of your occupation is clearly documented in order to avoid a subsequent dispute. From the owner's perspective, it is crucial to ensure that someone, you intend to be no more than a casual occupier, does not acquire rights over your premises. On the other hand, if you are an occupier, you will wish to ensure the owner is not in a position to eject you, thus denying you the opportunity to continue your practice.

## Employment

Employment law is perhaps the fastest moving of all areas of law, and we see a constant stream of new requirements that your practice will have to comply with as an employer. Add to that the disruptive potential to a partnership of an escalating employment dispute without the luxury of dedicated HR expertise to call upon, and it is easy to see why employment law can be such a worry for dentists.

As you would expect, our employment team deal day in, day out with HR issues in dental practices and can guide you through the employment law pitfalls to minimise the disruption to your business.

### Performers List issues

Dentists working in NHS practice, whether as Principal, associate or employee of a practice, are required to have their name included on NHS England's Performers List. Hempsons' Dental Team can advise you on all matters relating to the Performers List including helping you through the application process itself and advising on the procedures and remedies available to you should your application fail.

Inclusion on the List brings with it certain specific obligations, which we can guide you through. For example an obligation arises to report various events to NHS England within seven days of their occurrence. Such events include convictions and other adverse matters and we can advise you whether reporting is necessary.

### Fitness to practise hearings

An investigation by one's regulator can be stressful and impact on a practitioner's ability to practice. We aim to alleviate the stress by providing clear, pragmatic advice and supporting individuals throughout the process.

Should you find yourself the subject of fitness to practise proceedings, our team of regulatory experts can guide you through the process and ensure your defence is conducted robustly. Obtaining legal advice at the early stages of an investigation can often make the difference between a complaint being referred to a substantive hearing or the matter being disposed of at an early stage. We aim to achieve the best outcome for you both as a professional and as a business owner and we are mindful of reputational damage that can result from adverse findings.

### Partnership disputes

As a full blown partnership dispute which ends up in Court can cost upwards of £200,000 plus VAT (with the accompanying risk of having to bear the other side's costs if you lose), it is particularly important to seek guidance from specialists who have a full understanding of the environment in which you operate. This includes your relationship with NHS England, which can often be crucial in determining the most appropriate way forward. Disputes of any nature are traumatic and time consuming, as well as being potentially extremely costly. This is ever more so when they affect your professional livelihood and arise out of a breakdown of a relationship with someone you may have worked with for many years.

It is essential to take early advice as soon as there is the first sign of difficulty as very often a dispute arises through a misunderstanding which can be nipped in the bud and resolved at an early stage.

Where this is not possible, we can support and guide you through what might feel like un-charted waters. Where appropriate, this can include advice on mediation and arbitration – as well as injunctions and court proceedings where no other alternative exist.



“Hempsons has an ‘extremely knowledgeable team’ which ‘will always fight with determination’, and ‘appears to have no weak link’.”

Legal 500



## Contacts



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“They give very good advice and they think of all the angles and pitfalls before they happen.”

Chambers