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# Avoiding employment tribunals



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In the Spotlight:  
Niki Boersma



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“ I would recommend apex media to any one; they helped start my social network over a year ago, one to one training sessions and always available to help with any questions. If you are new to marketing through social media it is a lot to get your head around, you need these people! Great team and great service. I wish them all the luck in the future. ”  
**Sandeep Kumar – Director of Smile Stylist Group**

“ ...the team at Apex have given guidance and structure ...making sure that this presence is well integrated with our other marketing strategies ”  
**Dr Nick Fahey - Director of Woodborough House Dental Practice**

“ ...They have mastered the business of Dentistry and are known as the 'go to' company in the dental world for both social media and the wider area of increasing traffic to your business. ”  
**Dr Paul Tipton - Dental Surgeon, Specialist in Prosthodontics and Clinical Director at T Clinic**

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Welcome to my regular e-update Column which each month will highlight the key events and news for busy practice managers and administrators.

Spring has finally sprung and we're all beginning to enjoy some sunshine in our lives at last! It's also Conference season and in this month's e-update you can find out about what to expect at this year's BDA Conference & Exhibition which is sure to be an event not to be missed!

Now's also a good time to remind you that this year marks the third anniversary of the launch of the ADAM Awards, sponsored by Denplan, and if you're a Practice Manager, Administrator or Treatment Coordinator it's not too late to enter – the closing date this year's Awards is 18th April 2014.

All entries will be judged by a panel of experts jointly appointed by ADAM and Denplan and finalists will be invited to an Award Ceremony later in the year – the date and venue will be confirmed nearer the time.

There's also a cheque for £500 to each of the winners! For more information go to [www.adam-aspire.co.uk](http://www.adam-aspire.co.uk) where you can find out how to submit your entry – and then start dreaming about how you'll spend your prize money!

But remember what Dale Winton says - you've got to be in it to win it!



Niki's B & B - Fourways Guest House in Thirsk



In this continuing series focused on YOU, this month we meet and ask questions of ADAM Vice President, Niki Boersma.

**Name:** Niki Boersma

**Age:** 47

**Job:** Manager Identity Individual Dental Care

**Where do you live (and with whom):** Fourways Guest House in Thirsk, North Yorkshire, with my husband Mark – and our guests!!

**Hobbies:** Public Speaking – I'm a member of Wetherby Speakers Club; eating out; and reading for pleasure - when I have the time to read something other than CPD related!

**How did you begin working in dentistry?** I did work experience at a practice in my home town when I was 14 years old because I wanted to do Dental Nursing, Physiotherapy or Phlebotomy. As I could earn the princely sum of £45 a week and go to college at the same time, I chose Dental Nursing.

**When did you first get involved with ADAM?** I first got involved with BDPMA when I took on the role of Practice Manager in a Nottingham practice in 2001 - ooh that sounds a long time ago when you put it in print! Right from that first BDPMA meeting I loved the opportunity of getting together with other practice managers and sharing experiences.

**What do you enjoy most about your current role in the profession?** Watching how individuals with little or no experience join my team and develop and learn - it's a great honour to see so many nurses that I have trained now become managers.

**What's the most challenging part of your role?** Being the bridge between the team, the boss, and the patients - and keeping them all happy.

**Would you recommend a career in dentistry?** Yes, it's a great caring profession; I encouraged my son to be a lab technician and he loves it.

**And if you hadn't gone into dentistry, what would you be doing?** My parents always wanted me to go into Hotel Management but allowed to give up my place in college when I qualified as a Dental Nurse.

Ironically, 30 years later my part time job is running a B&B in Yorkshire!



**Niki Boersma**

### E-Cigarettes ‘encourage teenagers to smoke’

E-CIGARETTES may not deter teenagers from smoking, in fact they could have the opposite effect, according to new research.

Researchers at the Center for Tobacco Research and Education discovered that over a period of 12 months the number of teenagers using e-cigarettes more than doubled and those using normal cigarettes increased by almost half.

The e-cigarette gives people a nicotine hit without the toxins that are present in tobacco cigarettes. For many smokers they have been a way of giving up as they replicate smoking more effectively than nicotine patches, gum and sprays. More than a million people in the UK use them, and the smoking ban does not apply to them because e-cigarettes vaporise liquid nicotine and do not create smoke.

Some health professionals still believe they pose a health risk to those who use them due to the various vapours people inhale.

Dr Carter said: “When the Foundation questioned more than 2,000 people about safe alternatives to smoking, more than half (57 per cent) thought e-cigarettes fell into this category. This research shows they appear to be acting as a gateway for teenagers to take up smoking.’

The Foundation’s Dental Helpline also gives patients a way of finding out what damage smoking can do. Manned by trained dental nurses and oral health educators, it is open between 9am and 5pm, Monday to Friday on 0845 063 1188. Alternatively the team respond to enquiries from the website.

Our advice is very simple. If you currently smoke or use e-cigarettes, give them up immediately. Encouraging people to quit these habits early could be life-saving. No Smoking Day on 12 March and National Smile Month, which takes place from 19 May to 19 June this year, are great windows of opportunity for those who need motivation to quit.”

To read this article in full go to  
<http://www.dentalhealth.org/news/details/770>

### Brits call for smoking in films to be stubbed out

AFTER a record night of success for British talent at the Oscars, a new poll reveals a majority of us would like to stub out smoking in films watched by children.

In a survey conducted by oral health charity the British Dental Health Foundation, more than two thirds (67 per cent) said they thought films featuring actors smoking should receive the highest classification rating, suitable only for adults.

According to the British Board of Film Classification, rated-18 films currently allow scenes of drug-taking, provided ‘the work as a whole must not promote or encourage drug misuse’. The film board makes no reference to smoking or alcohol misuse, two of the leading risk factors for mouth cancer.

To read this article in full go to:  
<http://www.dentalhealth.org/news/details/769>

### Government departments announce proposals for a Dental Practice Management Apprenticeship

The Department for Business, Innovation & Skills and the Department for Education issued a Guidance Note on 6th March entitled: **Future of apprenticeships in England: Guidance for trailblazers.** In it they say:-

*‘We have launched a second phase of trailblazers involving leading employers in 29 sectors, following employer demand. A full list of these groups, as well as lessons learned and templates from the first phase are included in this updated guidance\*.*

*We plan to issue funding for apprenticeship training and assessment direct to employers. We are consulting on our new funding model and seeking feedback on issues relating to it and 2 different payment mechanism options.’*

\*One of the new Apprenticeships is in Dental Practice Management. For full details go to:  
<https://www.gov.uk/government/publications/future-of-apprenticeships-in-england-guidance-for-trailblazers>



Date and location	Name of event and provider	Cost and notes	Contact details
-	ILM Level 3 Certificate of Leadership and Management <i>UMD Professional Ltd</i>	Distance Learning Programme	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
-	Performance management and appraisals in dental practices <i>UMD Professional Ltd</i>	This workshop course is delivered at your practice and covers managing and maximising staff performance, and how to carry out appraisals in dental practices.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
commencing January 2014 London	ILM Level 5 Diploma in Leadership and Management <i>UMD Professional Ltd</i>	Grants available towards course fees. Distance learning and modular courses also available.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
commencing January 2014 London	Dental Business Management Programme leading to the ILM Level 7 Diploma in Executive Management <i>UMD Professional Ltd</i>	Grants available towards fees plus a further 10% discount for ADAM members.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
-	BTEC Level 4 Professional Diploma in Dental Practice Management <i>The Dental Business Academy</i>	Distance Learning Programme - 30% discount for ADAM members.	<a href="http://thedentalbusinessacademy.com/shop/btec-level-4-professional-diploma-in-dental-practice-management/">http://thedentalbusinessacademy.com/shop/btec-level-4-professional-diploma-in-dental-practice-management/</a>
-	BTEC Level 5 Professional Diploma in Dental Practice Management <i>The Dental Business Academy</i>	Distance Learning Programme	<a href="http://thedentalbusinessacademy.com/shop/btec-level-5-professional-diploma-in-dental-practice-management/">http://thedentalbusinessacademy.com/shop/btec-level-5-professional-diploma-in-dental-practice-management/</a>
-	Introduction to Dental Practice Management <i>The Dental Business Academy</i>	Distance Learning Programme	<a href="http://thedentalbusinessacademy.com/shop/dental-practice-management-introduction/">http://thedentalbusinessacademy.com/shop/dental-practice-management-introduction/</a>
Commencing April 2014 Wakefield	Professional Certificate in Dental Practice Management (L4) <i>The Dentistry Business</i>	UK's only university accredited Dental Practice Management courses. 9 full-day workshops over 1 year. 2 year and CPD courses also available. ADAM members' discount.	Sim on 0161 928 5995 or <a href="http://sim@thedentistrybusiness.com/register.php">sim@thedentistrybusiness.com/register.php</a> to watch video intro
Commencing April 2014 Wakefield	Postgraduate Certificate in Mastery of Dental Practice Management (L7) <i>The Dentistry Business</i>	UK's only university accredited Dental Practice Management courses. 9 full-day workshops over 1 year. 2 year and CPD courses also available. ADAM members' discount.	Sim on 0161 928 5995 or <a href="http://sim@thedentistrybusiness.com/register.php">sim@thedentistrybusiness.com/register.php</a> to watch video intro
Commencing April 2014 Leeds	Dental Business Management Programme and ILM level 7 Diploma in Executive Management <i>UMD Professional Ltd</i>	£3600 payable over 18 months (please note this fee includes a 25% grant)	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
Commencing April 2014 Manchester	ILM Level 5 Diploma in Leadership and Management <i>UMD Professional Ltd</i>	£2450 payable over 13 months. Discount for payment in full at start of course.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
Commencing April 2014 Oxford	ILM Level 5 Diploma in Leadership and Management <i>UMD Professional Ltd</i>	£2450 payable over 13 months. Discount for payment in full at start of course.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
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From June 2014 Central London	Strategic Leadership <i>UMD Professional Ltd</i>	£1950 Three weekend course plus webinars and mentoring leading to the ILM Level 7 Award in Strategic Leadership.	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
From June 2014 Central London	Dental Business Management Programme and ILM level 7 Diploma in Executive Management <i>UMD Professional Ltd</i>	£3600 payable over 18 months (please note this fee includes a 25% grant).	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>
20 June London 2014	An introduction to the Customer Service Excellence Standard for dental practices <i>UMD Professional Ltd</i>	£150 per person 6 hours of verifiable CPD	Fiona on 020 8255 2070 or <a href="mailto:fiona@umdprofessional.co.uk">fiona@umdprofessional.co.uk</a>

## How careful must an employer be when instigating a 'Pre-Termination Discussion' with an employee?

Over six months ago we saw the launch of Employment Tribunal fees and the introduction of 'Pre-Termination Discussions'. These changes have resulted in a major rise in parties resolving matters between themselves without recourse to an Employment Tribunal.

There were various reasons why fees for bringing a tribunal claim were introduced – with the main aim being to give financial savings for the Employment Tribunal Service.

For very basic claims, the issue fee payable by a Claimant is £160 with a subsequent hearing fee of £230. For the majority of employment tribunal claims however the issue fee is £250 and the hearing fee is £950.

It is not only the introduction of fees that has led to an increase in settlements being reached and the introduction of 'Pre-Termination Discussions' has undoubtedly had a profound impact.

The purpose of Pre-Termination Discussions is to enable employers and employees (at either party's instigation) to discuss the employment relationship confidentially with a view to reaching mutually agreeable terms pursuant to which the employee's employment will come to an end.

If an acceptable agreement is reached it is imperative that the terms are fully recorded in a legally binding agreement called a 'Settlement Agreement'.

As long as certain conditions are satisfied the discussion will be inadmissible as evidence in an ordinary unfair dismissal claim which will bring some comfort to employers who are looking to have frank discussions with certain employee's about their employment.

In practice, employers and employees may want to have a Pre-Termination Discussion for various reasons most notably in the event of a redundancy situation, if there are performance issues or if the relationship is breaking down.

Employers need to be extremely cautious however as confidentiality only applies in respect of ordinary unfair dismissal claims and therefore the contents of Pre-Termination Discussions will be admissible as evidence in all other types of claims including breach of

contract, discrimination and whistleblowing claims.

There is no prescribed statutory procedure to follow but a concerted effort to introduce the discussion appropriately should be made. For example, it would be sensible for the employer to explain why the discussion is taking place (for example because the employer has concerns about performance or because a redundancy situation has arisen). At this stage the employee should be advised of their options including the choice of exploring a settlement. If the employee is willing to give consideration to this, the terms of the proposal should be formally recorded. Thereafter if both parties are willing, discussions/meetings can take place to negotiate or otherwise discuss matters further.

In addition there are certain conditions that must be satisfied for the discussion to be considered a confidential one and protected by legislation accordingly.

To assist employers, ACAS has drafted a Code of Practice on Settlement Agreements ('the Code') and this should be followed by employers. Amongst other things the Code states that parties must be allowed a 'reasonable' amount of time to consider proposals and receive advice. In addition, whilst there is no legal right, the Code recommends that employees are afforded the right to be accompanied to any meetings.

Most significantly, the Code states that neither party should exercise any 'improper behaviour' during the discussions. What constitutes 'improper behaviour' and what is considered to be 'reasonable' is not however clear. It is possible therefore that an employee could argue that they have not been given sufficient time to consider a proposal put forward by the employer.

There is therefore a real danger that the discussion could be admissible. Furthermore, the initiation of a Pre-Termination Discussion could trigger an employee's resignation and a subsequent claim for unfair constructive dismissal being pursued.

The introduction of Pre-Termination Discussion has certainly provided employers with the flexibility to discuss voluntary arrangements with employees however employers should ensure that advice is sought before instigating such discussions to avoid challenges being brought by employees later down the line.

If you would like to discuss any aspect of employment law please contact Lisa Kemp, Solicitor in the Employment Division at mfg Solicitors LLP on 01905 610410.



# British Dental Conference & Exhibition – Don't miss out!

With less than a month to go until this year's British Dental Conference and Exhibition we pick some of the of sessions and features you will not want to miss, and offer some tips for making the most of the event.

## Conference pass sessions

The Conference pass programme includes several sessions that will be of particular interest to ADAM members. Likely highlights include:

On **Thursday** the BDA's Head of Regional Services Richard Birkin will discuss the importance of keeping full up-to-date dental records in his session Record keeping - staying out of trouble.

On **Friday** dental adviser and communication coach Brid Hendron will talk through the tactics to use when Having difficult conversations, whether these are with patients or colleagues.

On **Saturday** dento-legal adviser from the DDU John Makin will present a session on Complaints: a tactical team approach.

For those interested in where NHS dentistry in England may be heading in the future the presentation by the Government minister for dentistry, Earl Howe, is a must attend. There will also be a number of sessions looking at the complex areas of standards and professional regulation; two areas vital to the effective, professional management of practices.

## Training Essentials theatre

The Training Essentials theatre offers a three-day programme of 30-minute sessions based on the BDA's Training Essentials programme. Last month's in-depth guide gave you an idea of all that's on offer. Some of the highlights picked out included the ADAM session, On track for success with Honorary ADAM Vice President Tracy Stuart, as well as sessions on online marketing, performance appraisals, recruitment, and stress management.



## The Exhibition

The exhibition provides a great opportunity to see what's new in the dental world, compare products from different suppliers and make those all-important purchases. A number of companies offer significant discounts on their products at the event plus there are always the free giveaways to take home.

And if you need to relax ...

## Social events

The event offers numerous opportunities for formal and informal networking with colleagues from across the country. Thursday night drinks in the exhibition hall provide a chance to catch-up with exhibitors and delegates over a glass of wine whilst the Friday evening party at the Renaissance Manchester City Centre hotel is the place to relax and dance to a live band.

## Free massages

Once again the event will offer the ever popular complimentary massages at dedicated massage areas in the exhibition hall, courtesy of D-Stress and Go, an experienced team of trained massage therapists. Ten minute sessions are free to all Conference Pass and Exhibition Pass holders (subject to availability) and can be booked on the day at the massage areas.

## And finally, don't forget to ...

*Make the most of your time:* Check out the programme online, make a note of the sessions you want to attend, as well as the opening and closing times for each day.

*Stock take:* Many of the exhibitors offer special deals for delegates, so why not do a stock take of your surgery equipment before you go so you can take advantage of the special offers and save money.

## How to register for the event:

You can find out more and register online at [www.bda.org/conference](http://www.bda.org/conference) or by calling **0870 166 6625**.

Conference Passes are available at a significantly reduced price for all DCPs including practice managers and administrators. Alternatively, if any dentist in your practice is an Expert member of the BDA, they can attend for free for the three days along with two DCPs from their team. So don't forget to check if anyone from your practice is attending.

Exhibition Passes are free and include entry to the Training Essentials and Demonstration theatres.



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