Event focuses on legal issues of new contract

Chris Baker of Corona Design & Communication reports on a very informative day at the Lowry Hotel in Manchester...

Delegates took the chance to network at the event

Former BDA Chairman, John Renshaw then took us through the process (and hoops?) that need to be negotiated to gain a new NHS contract. He said to delegates who are considering applying to tender, there can be a large resentment in the NHS towards the private dentists and this shouldn’t be underestimated. He pointed out that the new PDS+ contracts need to be viewed with caution as many can involve huge commitments including 8am to 8pm service, 357 days a year!

After coffee and refreshments, James Lister a partner at Pannone LLP, discussed employment issues and in particular redundancy and flexible working. He began by dispelling the myth that redundancy only comes into play in ‘bad times’ and when there is a shortage of work. In reality, redundancy is related to your, as a business owner, having the right mix of skills and costs to make a profit ie. right people, right job at the right cost. Redundancy is overwhelmingly in favour of the employer and he illustrated this with examples that showed even an inept redundancy program will save money. There is however, a right procedure are vital. He concluded by saying that when two people enter into a contract, if one leads the other to believe that a certain state of affairs exists, they cannot go back on it when it is unjust or inequitable to do so. For instance, if a PCT should have clauses of termination and used the case of Eddie Crouch in his case against South Birmingham PCT and the clause in the NHS Dental Contract that allowed bosses to terminate dental contracts without cause or notice.

The afternoon session got going with Simon Butler of Ely Place Chambers talking us through dental agreements between PCTs and practitioners and the ‘fair and sensible’ test. Simon was the barrister who represented Eddie Crouch in his case against South Birmingham PCT and the clause in the NHS Dental Contract that allowed bosses to terminate dental contracts without cause or notice.

The principle of Promissory estoppel means that when two people enter into a contract, if one leads the other to believe that a certain state of affairs exists, they cannot go back on it when it is unjust or inequitable to do so. For instance, if a PCT should have clauses of redundancy and the clause in the NHS Dental Contract that allowed bosses to terminate dental contracts without cause or notice.

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