

# DENTAL NEGLIGENCE CLAIMS

A step-by-step guide

How the Dental  
Negligence Claim Process  
Works in the UK (England  
and Wales)



Dental negligence claims often arise when patients are left with avoidable pain, infection, long-term damage, or the need for corrective treatment because dental care fell below an acceptable standard.

In many cases, the issue isn't simply that treatment "didn't work" — it's that proper assessment, diagnosis, consent, planning, or follow-up care was missing. Patients are often reassured that symptoms are normal, or told to "wait and see", only to discover later that earlier action could have prevented permanent harm.

This guide explains, in detail, how the dental negligence claim process works in England and Wales. It is designed to answer common questions, remove uncertainty, and explain what happens at each stage of a claim - from protecting your oral health, through to settlement and compensation.

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## Related Services:

[Dental Negligence Claims](#)

[Cosmetic Dentistry Claims](#)

# WHY DENTAL NEGLIGENCE CLAIMS ARE DIFFERENT

Dental negligence cases often have features that make them distinct from other medical negligence claims:

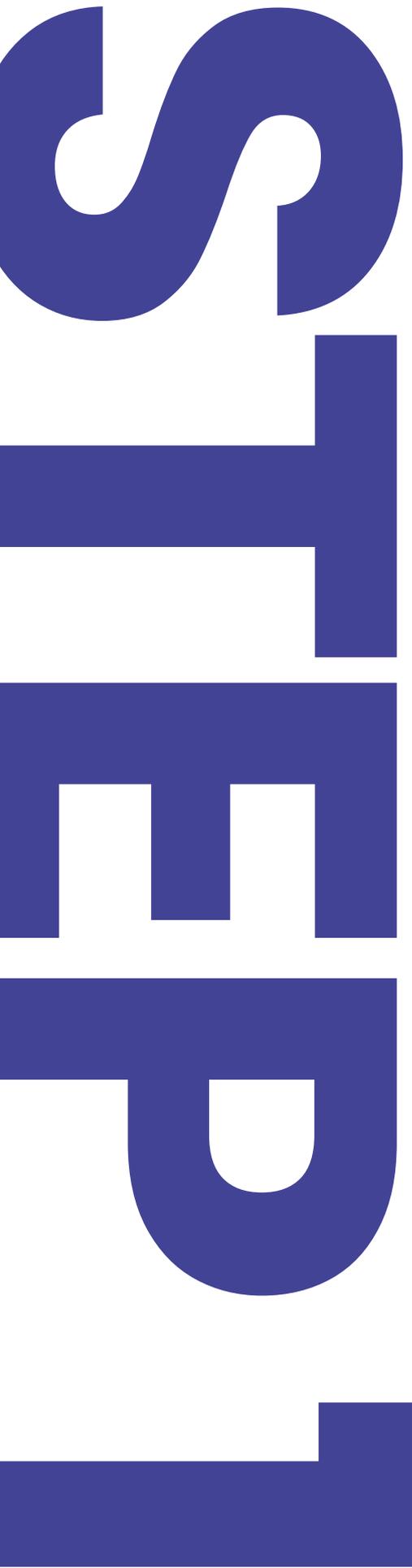
- Symptoms may initially appear minor (sensitivity, discomfort, swelling) but **worsen quickly**
- Infection can spread if treatment is **delayed**
- **Damage is often irreversible** (loss of tooth structure, nerve injury, bone loss)
- Patients may **not be given clear warnings** about risks, alternatives, or aftercare
- Poor dental work frequently requires **expensive private remedial treatment**
- Evidence often includes **X-rays, scans, and treatment plans** as well as **clinical notes**

Dental cases are also **highly outcome-sensitive**. A mistake that might be manageable early on can lead to tooth loss, gum recession, facial swelling, nerve damage, or prolonged pain if ignored.

At NJS Law, we regularly act for clients whose **injuries could have been avoided** if their dental concerns had been assessed, treated, and followed up properly.

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Dental Negligence claims are highly outcome sensitive and



Protect your  
health first (and  
create the dental  
paper trail)

The first and most important step is always to protect your health. Legal considerations come later. That said, early treatment and clear documentation can play a vital role in establishing whether negligence has occurred.

# WHEN TO SEEK URGENT DENTAL CARE, NHS 111, OR A&E

You should seek urgent care if you experience:

If you cannot access a dentist quickly, NHS 111 may arrange urgent dental appointments. A&E is appropriate where symptoms suggest infection is spreading, breathing is affected, or there is serious deterioration.

Severe or escalating dental pain that is not controlled by medication

Swelling of the face, jaw, or neck

Difficulty swallowing or breathing

Fever, chills, or signs of spreading infection

Bleeding that does not stop after an extraction or procedure

Numbness or tingling in the lips, chin, or tongue after treatment

# WHY DENTAL RECORDS ARE SO IMPORTANT



Dental negligence claims rely heavily on contemporaneous records. These can show:

- What **symptoms** you **reported** and how clearly they were documented
- Whether the dentist investigated properly (e.g. **X-ray taken, periodontal assessment, vitality testing**)
- Whether a **correct diagnosis** was made
- Whether **options** and **risks** were explained before treatment
- Whether **aftercare advice** was given and documented
- Whether referral to a specialist was **appropriate** and **timely**



# IN DENTAL CLAIMS, THE RECORDS OFTEN ALSO INCLUDE:

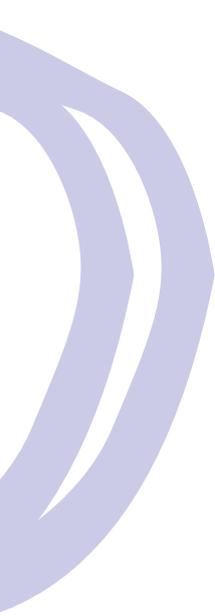
- X-rays (periapical, panoramic, CBCT scans)
- Treatment plans, consent forms, and estimates
- Clinical photographs
- Lab prescriptions for crowns/bridges/dentures

# WHAT IF SYMPTOMS APPEAR LATER?

Some dental complications develop over time, particularly where:

- Infection was **not properly treated**
- Root canal treatment **failed** or was **poorly performed**
- Gum disease progressed **without proper diagnosis or monitoring**
- Implants were placed without **adequate planning or bone assessment**
- Bite issues developed **after restorative work**





# If symptoms appear days, weeks, or months later:

- Seek dental advice **as soon as possible**
- Ensure you explain **when** your symptoms **began and what** treatment you previously received
- Ask for **symptoms** and **clinical findings** to be fully documented
- If you need private remedial care, **keep all quotes, letters, and reports**

Delayed symptoms **do not** invalidate a claim — they are often central to proving that earlier intervention could have prevented deterioration.

# KEEPING A RECOVERY AND IMPACT DIARY

A diary can help bridge the gap between clinical records and lived experience, including:

- Pain levels, flare-ups, and medication use
- Difficulty **eating, sleeping, or speaking**
- **Time off work** and **missed commitments**
- Anxiety, embarrassment, or **loss of confidence**
- Impact on **social life, relationships, and wellbeing**
- Follow-up appointments and repeated dental visits

This evidence helps show the **true impact** of dental negligence, not just the clinical outcome.



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Gathering  
evidence that  
supports what  
happened  
(without pressure)

You are not expected to investigate your own case or confront your dentist. However, evidence you already have can significantly strengthen a claim.

# PHOTOGRAPHS AND VIDEOS



Photographs can provide clear evidence of:

- Facial **swelling** or **asymmetry**
- **Bruising** after procedures
- **Gum recession** or **visible damage**
- Infections or abscesses
- Scarring or tissue damage (including **burn injuries** from instruments)

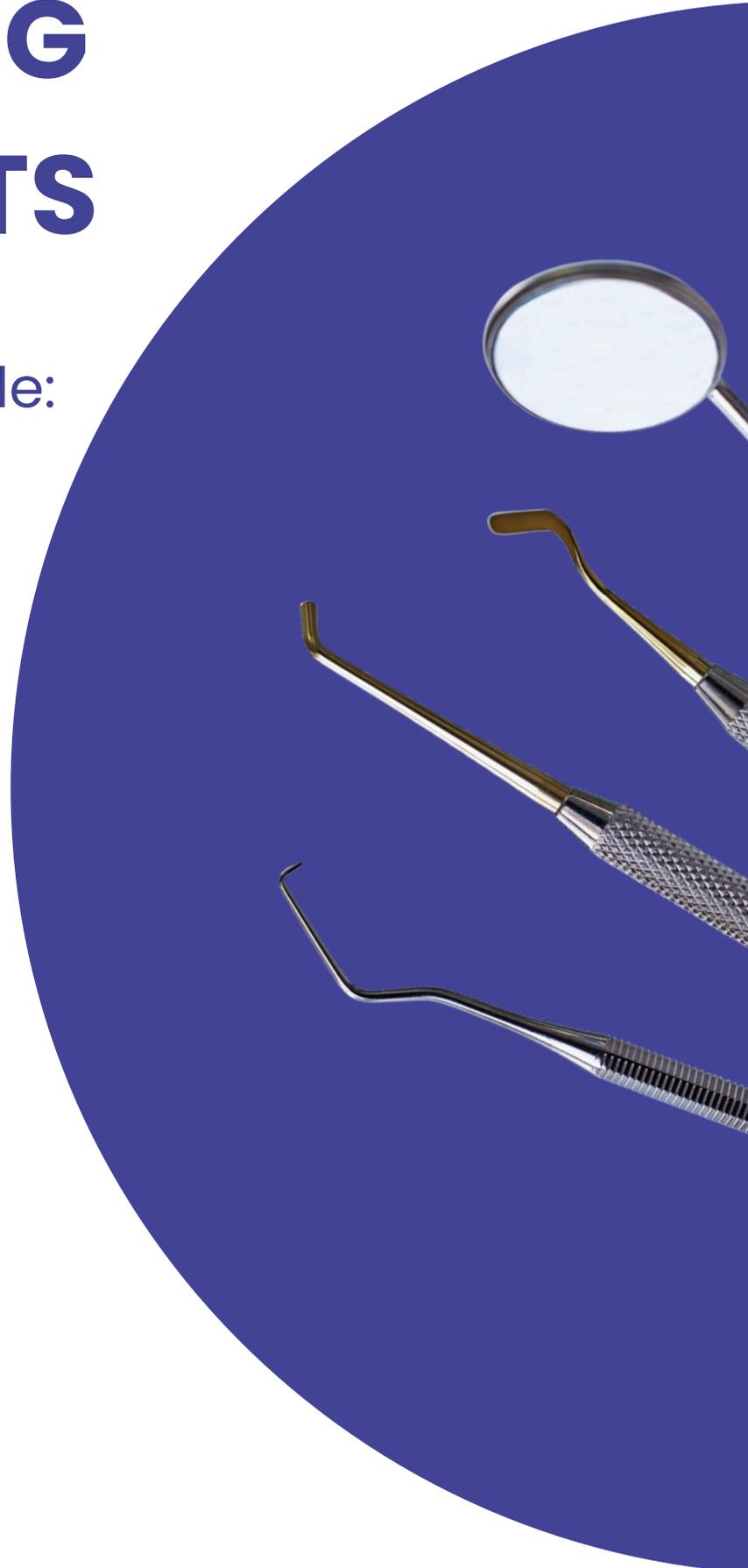
Where possible, take photos at different stages to show **progression** or **deterioration**

# WITNESS EVIDENCE AND SUPPORTING STATEMENTS

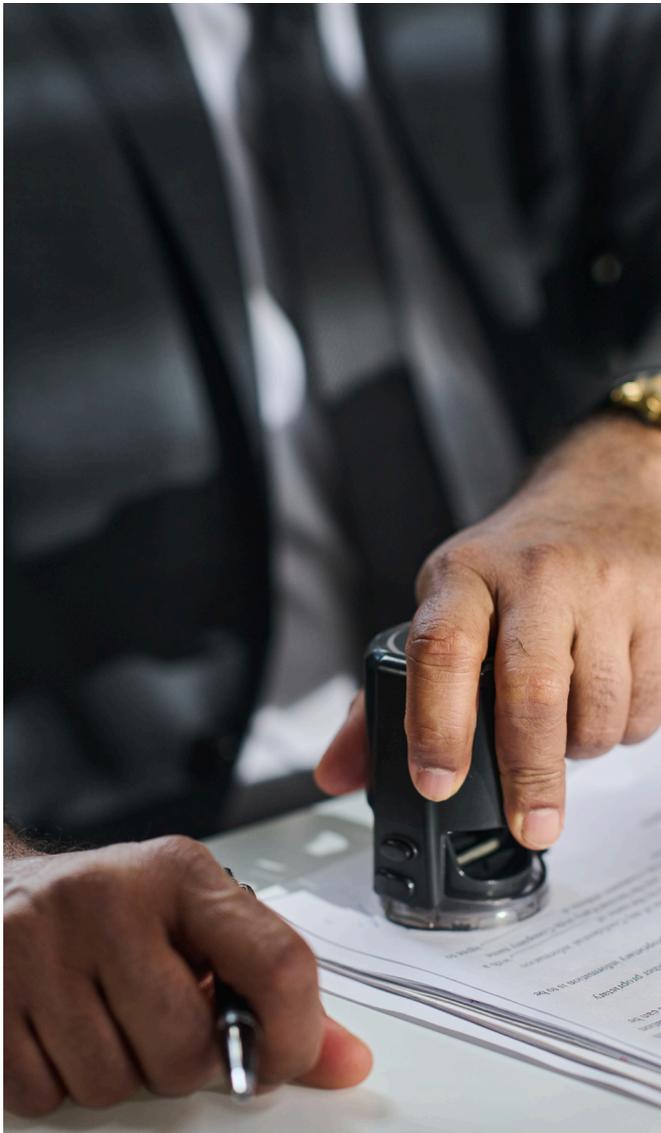
Witnesses may include:

- **Partners or family** members who observed your **pain, swelling, or distress**
- Friends who attended appointments with you
- Colleagues who witnessed the impact on your work (**speech issues, absences, visible swelling**)

Independent witnesses can be particularly helpful, but statements from loved ones are still valuable.



# COMPLAINTS, CORRESPONDENCE AND INCIDENT REPORTS



Many patients raise concerns before seeking legal advice. These records may include:

- Written **complaints** to the dental practice
- Responses from the practice **manager** or **clinician**
- Apologies or admissions
- GDC-related correspondence (**where applicable**)
- Emails about **treatment plans, costs, revisions, and follow-up**
- Offers for **free treatment**

These documents can reveal important timelines and inconsistencies

# FINANCIAL LOSSES AND EXPENSES

Keep records of any costs linked to your injury, including:

- Private remedial treatment (**crowns, implants, root canal revision, periodontal care**)
- Medication and **prescriptions**
- Emergency dental appointments
- **Travel** and **parking**
- Lost income and **reduced earnings**
- Additional **childcare** or domestic **support**
- Future treatment plans and ongoing maintenance **costs**

These losses form a key part of your compensation claim.

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## Can you claim? Understanding negligence, fault, and time limits

Not every poor dental outcome is negligence. The legal test focuses on whether care fell below acceptable standards and caused avoidable harm.

# DUTY, BREACH, AND CAUSATION EXPLAINED

To succeed, a claim usually needs to show:

- Duty of care: the dentist/dental professional **owed you a duty of care**
- Breach: that duty was **breached** by substandard treatment
- Causation: the breach caused **injury**, or **worsened** your condition

For example, a failed filling is not automatically negligence — but it may be negligent if the dentist **failed to diagnose** decay, failed to isolate properly, or did not explain risks and alternatives before proceeding.



# COMMON DENTAL NEGLIGENCE CLAIMS

A successful claim may include:

Many cases involve systemic issues, not a single error — for example, repeated attendances with persistent pain, multiple failed treatments, and no escalation or referral.

- **Wrong tooth extraction** or unnecessary extraction
- **Nerve damage** following extractions or implant placement (inferior alveolar / lingual nerve injury)
- **Root canal negligence** (missed canals, perforations, under/over-filling, failure to diagnose infection)
- **Dental implant negligence** (poor planning, wrong positioning, failure to assess bone, untreated infection)
- **Cosmetic dentistry errors** (veneers, crowns, bridges—poor preparation, bite problems, aesthetic harm)
- **Periodontal disease negligence** (failure to diagnose and treat gum disease leading to tooth loss)
- **Failure to refer** to oral surgery, endodontics, or specialist services
- **Poor consent and inadequate warnings** about risks, alternatives, and long-term consequences
- **Dental burns or soft tissue injuries** during procedures

# THE 3-YEAR LIMITATION PERIOD

In most cases, court proceedings must be started within three years of:

- The negligent treatment, or
- The date you **first became aware** that negligence may have occurred

This “**date of knowledge**” is particularly important in dental cases, because patients often discover later — sometimes when seeking a second opinion — that the original work was substandard or unnecessary.

There are exceptions, so legal advice should always be sought even if time has passed.

# IS IT WORTH PURSUING A CLAIM?

Claims are more likely to be viable where:

- There is **significant** or lasting injury (pain, nerve damage, tooth loss)
- **Infection** or deterioration occurred due to **delay** or poor treatment
- Remedial work is **extensive** and **costly**
- Work, confidence, and quality of life were affected
- There is good documentary support (**records, X-rays, treatment plans**)

An initial assessment can usually clarify prospects quickly.

# Wrong Tooth Extraction

## Background:

A patient attended with pain around a lower molar. The dentist did not take an X-ray and extracted the wrong tooth.

## What went wrong:

The correct tooth was not identified, and there was no proper diagnostic work-up.

## Outcome:

The healthy tooth was lost, pain continued, and further treatment was required, including an implant.

## Claim basis:

Experts confirmed that a competent dentist would have identified the correct tooth and avoided unnecessary extraction.

# STEP 4

## Starting the claim and understanding legal costs

Once you instruct a solicitor, they take responsibility for progressing the claim.

# THE INITIAL CONSULTATION

During your first discussion, your solicitor will ask about:

- Your dental history and treatment timeline
- What symptoms you had and when
- What treatment was carried out (and by whom)
- Whether you were given options, warnings, and aftercare advice
- How the issue has affected you day-to-day
- Any documents or correspondence you already have

You do not need to prepare a legal case — your role is simply to **explain what happened**.

# FUNDING THE CLAIM: NO WIN NO FEE EXPLAINED

Most dental negligence claims are funded by a **No Win No Fee agreement:**

- No **upfront** legal fees
- No fees to pay if the claim does not succeed
- If successful there is a capped deduction

from compensation  
This reduces financial risk and allows **access to justice.**



# THE PRE-ACTION PROTOCOL

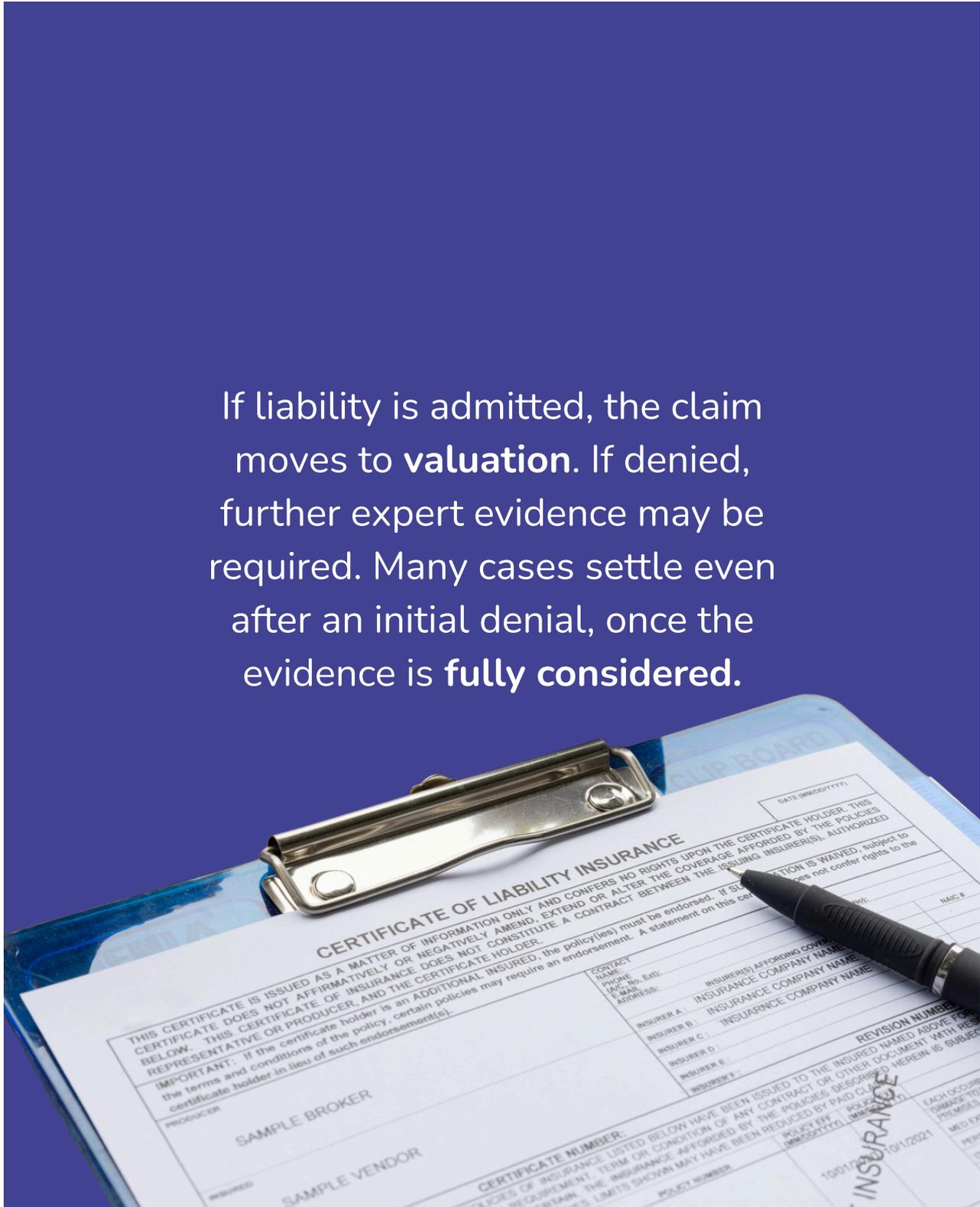
## Your solicitor will:

- Obtain full dental and medical records
- Secure X-rays and imaging where available
- Instruct independent dental experts (e.g. general dentistry, endodontics, oral surgery, periodontics)
- Send a formal Letter of Claim
- Allow the defendant time to investigate and respond

This stage often leads to early admissions or settlement discussions.

# LIABILITY ADMITTED OR DENIED

If liability is admitted, the claim moves to **valuation**. If denied, further expert evidence may be required. Many cases settle even after an initial denial, once the evidence is **fully considered**.



STEPS

Medical evidence,  
valuation, and  
compensation

Medical and dental expert  
evidence underpins both  
liability and  
compensation.

# INDEPENDENT MEDICAL AND DENTAL EXPERTS

Experts assess:

- Whether care fell below **acceptable standards**
- Whether negligence caused **injury** or **worsened** your condition
- What remedial treatment is required
- Long-term prognosis (including risks of future deterioration)

In dental claims, expert evidence frequently addresses both:

- The injury itself (**pain, infection, nerve injury, tooth loss**), and
- The corrective treatment required (**often expensive private work**)

# GENERAL DAMAGES AND SPECIAL DAMAGES

Compensation is divided into:

- General damages: **pain, suffering, and loss of amenity**
- Special damages: financial losses (**past and future**)

Both elements are carefully assessed.

## FUTURE LOSSES AND LONG-TERM IMPACT

Where negligence has **ongoing** consequences, compensation may include:

- Future **dental treatment and replacement work**
- Implant maintenance or replacement **costs**
- Future restorative work (**crowns, bridges, dentures**)
- Ongoing pain management or medication
- Psychological support (anxiety, loss of confidence, trauma)
- Reduced earning capacity (where facial pain or ongoing treatment affects work)

# INTERIM PAYMENTS

If liability is **admitted**, interim payments may be available to help cover:

Private remedial treatment

Immediate financial strain

Access to **specialist reports** or  
scans

Settlement

## Settlement, court, and timescales

Understanding Whether  
You Can Claim

# HOW LONG CLAIMS TAKE

Timescales vary:

- Straightforward claims: around **12–18 months**
- Complex cases (e.g. nerve injury, extensive remedial treatment): **2–3 years or more**

Delays often relate to ongoing treatment and obtaining specialist evidence.



# NEGOTIATION AND SETTLEMENT

Most claims settle without a trial.  
Your solicitor will advise on:

- The **fairness** of offers
- Whether you are at risk of settling too early (before the full cost of treatment is known)
- Whether **further negotiation** is appropriate

The final decision is always yours.

# WILL I HAVE TO GO TO COURT?

Very few dental negligence claims reach trial. Even where proceedings are issued, most cases settle **before** a final hearing. If court attendance is required, you will be fully supported.

# AFTER SETTLEMENT

Once agreed:

- Compensation is paid, usually **within weeks**
- Any deductions are applied **transparently**
- Funds are transferred **directly to you**

# CONCLUSION

Dental negligence claims are about **more** than compensation. They are about **recognition, accountability**, and giving you the means to restore your **health, confidence, and quality of life.**

If you believe your dental treatment was mishandled, your concerns were ignored, or your injury could have been avoided, seeking legal advice does not **obligate** you to pursue a claim. It gives you **clarity, reassurance, and the opportunity to make informed decisions** about your next steps.



# FREQUENTLY ASKED QUESTIONS

What counts as dental negligence?

Dental negligence occurs when a dental professional **fails** to meet an **acceptable standard of care**, and that failure causes avoidable harm. This may involve **misdiagnosis, poor treatment, delayed referral, failure to investigate, poor consent, or avoidable injury during procedures.**

Is it negligence if my dentist said my symptoms were “normal”?

It can be. Dentists still have a duty to investigate **persistent pain, swelling, bleeding, numbness, or bite problems**, and to refer appropriately where needed. Reassurance without proper investigation is a common feature in dental negligence claims.

## Can I claim if the problem was only discovered when I saw another dentist?

Yes. Many patients only discover poor dental work when they seek a second opinion or need corrective treatment. This discovery may also affect the limitation period (the “**date of knowledge**”).

## What if no one admitted they did anything wrong?

An admission is not required. Most claims are built using **dental records, X-rays, and independent expert evidence** about accepted standards of care.

## Do I need to know which dentist was at fault?

No. You do not need to identify individual responsibility. Your solicitor will determine whether liability rests with a dental practice, corporate provider, or other organisation.

# TIME LIMITS AND DELAY CONCERNS



Is it too late to claim if this happened years ago?

Not necessarily. In many cases, the three-year time limit starts from the **date you first realised** that something may have gone wrong — not the date of treatment.

What is the “date of knowledge”?

The date of knowledge is when you first became aware (or should reasonably have become aware) that:

- You were **injured**, and
- The injury may have been caused by **negligent treatment**

This may be years after treatment if the problem was hidden or only discovered later.

# EVIDENCE AND RECORDS

## What if my dental records are incomplete?

Incomplete records are **not uncommon**. Independent experts can still assess what should have been done, and your own account and supporting evidence can still be persuasive.

## Do I need photographs or witnesses?

No. They can help, but they are not essential. **Dental records, X-rays, and expert evidence** are usually the **most important**.

## What if I complained to the practice?

Complaints often **strengthen** a claim because they may include **admissions, clear timelines, or acknowledgements** of delay or error.

# THE CLAIMS PROCESS

Timescales vary depending on complexity:

- Straightforward claims: around **12–18 months**
- Complex or serious claims: **2–3 years or more**

What happens if the other side denies liability?

A denial does not mean your claim will fail. Further expert evidence may be obtained, and many cases settle later once evidence is reviewed.

Can I change my mind after starting a claim?

Yes. You remain in control throughout. Your solicitor will explain your options at every stage. However, you should also be aware of breach of retainer, which could mean costs for the client.



# FREQUENTLY ASKED QUESTIONS

Will I have to pay anything if my claim fails?

In most cases, no. After-the-event insurance is usually in place to cover disbursements and protect you from **financial risk**.

How does No Win No Fee work?

Most dental negligence claims can be funded by a No Win No Fee agreement:

- No upfront legal fees
- **No fees** if the claim **does not succeed**
- If successful, there is a capped deduction from compensation.

How much compensation could I receive?

Compensation depends on:

- The **severity** of injury (pain, infection, nerve damage, tooth loss)
- The **level of remedial treatment required**
- **Financial losses**, including future treatment costs
- Impact on **confidence, work, and daily life**

# FREQUENTLY ASKED QUESTIONS

What does compensation cover?

Compensation may include:

- Pain, suffering, and loss of amenity
- **Past** and **future** dental treatment
- **Medication** and **travel** costs
- Loss of **earnings** and **future earnings** impact
- **Psychological** impact

Can I receive compensation before the claim ends?

Yes. If liability is admitted, interim payments may be available to help with treatment or financial pressure.

How long does it take to get paid after settlement?

Once settlement is agreed, compensation is usually paid within **a few weeks**.

# WHY CHOOSE NJS LAW FOR A DENTAL NEGLIGENCE CLAIM?

Dental negligence claims require **more** than technical knowledge, demanding a solicitor who understands how dental errors happen and can build a clear, evidence-led case without adding pressure during an already stressful time. At NJS Law, we act for clients whose injuries could have been prevented with earlier investigation, safer treatment planning, better consent, or appropriate referral.

We are known for:

- **A compassionate, client-focused approach** – we understand how distressing dental injury can be
- **Clear, honest advice** from the outset on whether a claim is likely to be viable
- **A rigorous evidence-gathering process**, including full dental records and imaging
- **Straightforward communication** about what is happening and what to expect next
- **A focus on accountability and long-term well-being**, not just the legal outcome

# WHAT HAPPENS IF I CONTACT NJS LAW?

Contacting us is **confidential** and does not commit you to a claim. Many clients simply want **clarity** on whether earlier action could have prevented harm.

Your initial consultation is designed to be supportive and practical. We will:

- **Listen** to what happened and how it has affected your health, confidence, and daily life
- **Ask questions** to build a **clear timeline** of symptoms, treatment, and follow-up
- Explain the **legal test** for negligence in a straightforward way
- Discuss **time limits** and **date of knowledge** issues
- Outline what **evidence is needed** and how we obtain it for you
- **Advise honestly** on viability and your next options



If you decide to proceed, we can usually act under a **No Win No Fee agreement** with no upfront legal fees, explaining any funding and deductions before you sign. We will **never pressure** you to pursue a claim.

Most importantly, you remain in control. Our role is to give you **clarity, protect your position, and help you decide what is right for you.**