

## Heather Beckett

Call: 2013

Contact Heather Directly: 020 7353 6802 or



Heather had a successful career as an NHS Hospital Consultant before being called to the Bar. She was also for many years a highly sought-after expert witness in Restorative Dentistry in clinical negligence and regulatory Fitness to Practice proceedings.

Her legal practice is focused on civil work, with a specialist emphasis on medical and particularly dental negligence, personal injury and disciplinary regulatory matters before the healthcare regulators, GMC, GDC, HCPC and NMC. Heather's in-depth dental and medical knowledge and practical experience in addition to her ability to assess and test expert witness evidence proves particularly valuable at the assessment and pre-action stages of litigation for Claimants and Defendants alike. For more information, see [www.dentalbarrister.co.uk](http://www.dentalbarrister.co.uk)

Heather is an experienced mediation advocate in clinical and professional negligence claims as well as contractual matters. She has undertaken mediation training with the London School of Mediation.

She is a Fellow of the Faculty of Dentistry of the Royal College of Surgeons of England, a former Clinical Panel member for the Dental Complaints Service and a trained volunteer Gateway Assessor for the Citizens Advice Bureau.

Heather is able to accept instructions on a direct access basis.

Heather is ranked in the Legal 500 2024 edition, Clinical Negligence (Tier 4 – *Leading Junior*): *'Heather has an unmatched ability to absorb complex medical and dental issues and to quickly get to the core of a difficult case by identifying key issues.'*

## Recent Cases

### J.Z v HCPC (2022) – Registration Appeal

The appellant's application for registration as a Health Care Professional had been refused by a Registration Panel of the Education and Training Committee (ETC) as the appellant had made a character declaration involving a past criminal conviction involving dishonesty. The Panel was not satisfied on the basis of the paper application evidence

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that the appellant was capable of safe and effective practice.

This was the second time that the appellant had applied for registration following a previous refusal on similar grounds.

The appellant instructed Heather Beckett under the Direct Access scheme in connection with preparation for and representation at the oral appeal against the decision of the ETC.

In conference, the issues of context, insight and remediation were extensively explored and supporting evidence which the appellant could collate for presentation to the appeal panel identified. The appellant was subsequently assisted in preparation of the appellant's bundle and at the oral hearing this was able to be suitably augmented during evidence in chief.

The appeal was opposed by the ETC.

Following submissions, the appeal was allowed, and the decision of the ETC quashed. The appellant has now been successfully registered.

P.B. v (1) M.B. (2) A Ltd (2020)- incomplete and negligent orthodontic treatment – Vicarious liability/non-delegable duty of care of a dental practice trading as a limited company

The Claimant, an adult, attended a dental practice, (A Ltd), seeking orthodontic treatment in order to improve her smile. She was initially examined by the practice principal. A costed private treatment plan was provided, signed by the practice principal, explaining when and how payments were to be made to the Practice and the Claimant signed to indicate her agreement. The Claimant was then "allocated" for treatment to the First Defendant, who extracted a tooth and commenced a course of fixed orthodontics. A few months later the First Defendant was erased from the dental register.

The practice principal saw the Claimant again and indicated that she would need to be referred to another practice/dentist for completion of the orthodontic treatment, there being no other dentist at the practice that could carry out orthodontics. Upon referral, the new orthodontist opined that if the current line of treatment were continued, the Claimant's smile would be asymmetrical and she would have a centre line discrepancy at the end of treatment. He suggested that further tooth extractions would be required in order fully to align the teeth and correct the bite. All the fixed braces would need to be removed and rebonded in any event.

The Claimant had not been made aware prior to agreeing to undergo the treatment that the outcome would be sub-ideal, nor that her treatment was being provided by a non-specialist orthodontist. It was alleged that her informed consent to the treatment had not been obtained, and that the treatment provided was also below the standard that she was entitled to expect.

M.B. (the First Defendant) did not respond to any pre-action correspondence. However, it was also alleged that the Practice (a limited Company) was vicariously liable for his acts and omissions, given the specific facts of the case. It was also alleged in the alternative that the Company owed a non-delegable duty of care to the Claimant, pursuant to the test established in *Woodland v Swimming Teachers Association & Others* [2013] UKSC 66, it being fair just and reasonable to impose such a non-delegable duty of care upon the Company. The arguments were similar to those successfully advanced in the case of *Ramdhean v (1) Agedo (2) The Forum Dental Practice Limited* (2020), and most recently in *Breakingbury v Croad* (2021).

It was further alleged that there had been a breach of the common law and statutory implied terms to carry out the service with reasonable skill and care.

The matter was settled pre-action by the indemnifiers of the practice principal on behalf of the Company, without

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need to issue proceedings.

**B v Dr G (2018)** – Heather Beckett acted for the Claimant in this dental negligence claim where the Defendant had failed to diagnose, treat adequately, monitor adequately and maintain adequately the Claimant’s periodontal condition. The result was that the Claimant would lose all her upper teeth and would require complex remedial treatment involving bone grafting and implants. She also suffered psychological injury. A complicating aspect was that the Claimant had recently changed solicitors, protracted pre-action negotiations having stalled, and shortly after doing so the expert who had been instructed withdrew on the grounds that he was conflicted. The new solicitors then instructed Heather, who advised regarding an appropriate new expert and timely progression of the case. Shortly after serving the Particulars of Claim and Schedule of Loss, and without entering a Defence, the Defendant agreed to settle the claim for £80,000.

## Publications

- “Do Dental Technicians disadvantage themselves in Regulatory Matters?” The Dental Technician Magazine February 2020, Volume 73, No. 2.
- ‘What not to do as an Expert Witness from a Barrister’s point of view’ Expert Witness Journal Autumn 2019, Volume 1 Issue 29.
- An investigation into the current practice of tooth whitening in a Southern English city in the context of associated legal issues. Primary Dental Care 2010; 17 (3): 127 – 135
- Open wide. New Law Journal. 10 October 2012
- Of snails and burning wood. Make sure the science stacks up. Journal of Personal Injury Law 2015, 4, 228-231
- ‘Montgomery consent’: Decision of the UK Supreme Court. The Practising Midwife 2016: 19 (6), 27-29–commissioned article
- Ten top tips for expert witnesses in Clinical Negligence claims. Expert Witness Journal Winter 2016/7, Volume 1 Issue 18

## Memberships

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Association of Personal Injury Lawyer

## Awards

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Advocacy Scholarship, Kaplan Law School 2012-2013

Pepperdine Moot Inner Temple 2012 – Winner

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