

The NHS Constitution: a consultation on new patient rights

An explanation of the
proposals and how to
respond to them



THE NHS
CONSTITUTION
the NHS belongs to us all

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What is the NHS Constitution?

The NHS Constitution was published on **21 January 2009**. It brings together, for the first time, the principles, values, rights and responsibilities that underpin the NHS. It is designed to renew and secure our commitment to the enduring principles of the NHS, making sure that the NHS continues to be relevant to the needs of patients, the public and staff in the 21st century.

What does it contain?

The NHS Constitution contains:

- A short **introduction**, which outlines the purpose of the NHS and of the NHS Constitution.
- The **principles** of the NHS, which are the enduring high-level 'rules' that govern the way that the NHS operates and define how it seeks to achieve its purpose.
- NHS **values** that inspire passion in the NHS and should guide it in the 21st century. Individual organisations will develop and refresh their own values, tailored to their local needs.
- **25 rights** and **14 pledges** for patients and the public, as well as their **responsibilities**.

What does it do?

The NHS Constitution is meant to be part of everyday life in the NHS for staff, patients and the public. It forms the basis for the relationship between staff, patients and the public – a relationship based on partnership, respect and shared commitment where everyone knows what they can expect from the NHS and what is expected from them.

What does this mean for me?

For **patients and the public**, this means clarity about what they have a right to expect from the NHS and what to do if they do not get it. As all the rights and pledges are set out clearly in one place, it means that everyone knows what they are entitled to. The NHS Constitution also sets out the responsibilities that patients and the public should uphold to help the NHS work effectively and to ensure that resources are used responsibly.

For **staff**, this means working with more informed patients and members of the public who are better able to work in partnership with those who are helping them. It also reinforces the NHS's commitment to provide clear roles, responsibilities, and personal development for staff, maintain health and safety, and engage with staff on important matters.

The NHS Constitution helps **staff, patients and the public** work together to ensure that quality NHS services are delivered.

The consultation

The Government wants to entrench the real improvements in access to NHS services that have been achieved over the last decade and to do so in a way that gives patients real power. Meaningful, enforceable rights for patients and the public will allow the NHS to move away from top-down targets while going further in ensuring core standards are maintained and improved across the NHS. The Government is now consulting on the best way of developing these rights, with a view to legislating on waiting times in 2010.

The NHS Constitution is intended to be both a living and an enduring document. It needs to reflect developments in services but any changes to it must be considered carefully. We are therefore consulting on a small number of proposed additions to the NHS Constitution that reflect recent developments.

We are legally required to consult staff, patients, carers and the public when significant changes are made to the NHS Constitution but, more importantly, the NHS Constitution belongs to us all, and it is important that any changes that are made to it fully reflect what people think.

Staff, patients, carers and the public are being asked what they think about the inclusion of two new rights in the NHS Constitution, what they think about other potential future changes to the NHS Constitution and what they think about the introduction of the new role of Constitution Champion.

What are we asking?

In addition to the existing 25 rights and 14 pledges for patients and the public, we are asking what you think about government proposals to:

- introduce a new **right to access services within maximum waiting times** or for the NHS to take all reasonable steps to offer a range of alternative providers if this is not possible;
- introduce a new **right to a NHS Health Check** every five years for those aged 40–74, to come into effect in 2012, and the right to see an alternative provider if you are not offered one by the provider you approach;
- explore the introduction of a number of **potential future rights**; and
- introduce the role of '**Constitution Champion**'.

This consultation focuses on the above areas and is not a consultation on the NHS Constitution as a whole. The NHS Constitution was itself the result of extensive consultation and has already received widespread support.

The questions we are asking in more detail

Should a right for patients to access services within maximum waiting times, or for the NHS to take all reasonable steps to offer a range of alternative providers if this is not possible, be introduced into the NHS Constitution?

This right would apply to waiting times for patients to start treatment for non-urgent conditions within 18 weeks of referral to a consultant, and waiting times to see a cancer specialist within two weeks for urgent referrals of suspected cancer.

These waiting times were originally targets which the NHS aspired to meet. Because they were then achieved in most places, they became standards and are currently reflected as pledges to patients and the public in the NHS Constitution. Delivery of these standards has now been sustained for some time so we now want to 'lock in' these achievements as individual entitlements, to become a legal right from April 2010.

Exceptions would be made if patients chose to wait longer and in the limited number of cases where there are clinical reasons why a longer wait is appropriate. If patients do have to wait inappropriately, we propose that reasonable steps should be taken to offer a range of alternative providers that can see the patient more rapidly than their original provider.

Of course, patients would still be expected to turn up for their agreed appointments or cancel within a reasonable time, and there would be no guarantee that patients who did not do this would be treated within the waiting times, or offered an alternative.



Should a right to a NHS Health Check every five years for those aged 40–74, to come into effect in 2012, be introduced into the NHS Constitution?

The NHS Health Check programme is a prevention programme that assesses risk of heart disease, stroke, diabetes and kidney disease for those between 40 and 74 who have not been diagnosed with one of these conditions. The aim of a NHS Health Check is to identify an individual's risk of these conditions earlier and support them to reduce their risk through lifestyle changes or clinical management.

The programme is already being phased in. However, as NHS Health Checks are an important part of preventing ill health, we want to go further by creating a legally binding commitment on the NHS to provide NHS Health Checks. Anyone eligible would have the right to a NHS Health Check although, when offered one, people would be free to choose whether to take up the offer or not.

We propose that a new right comes into effect from April 2012, by which time the NHS Health Check programme should be fully operational.

Should we explore the introduction of potential future rights for patients and the public into the NHS Constitution?

The proposed right to access services within waiting times would take effect from April 2010, and the right to a NHS Health Check would commence from 2012. However, the NHS Constitution is a living document that needs to reflect rising public expectations so, in addition to the new rights that we

propose to create as soon as possible, there are a number of further areas where we believe there is a case for introducing new entitlements over the longer term. These are:

- evening and weekend access to GPs;
- access to NHS dentistry;
- personal health budgets;
- choosing to die at home; and
- access to key diagnostic tests within one week.

A full consultation on any new rights in these areas would take place before they are incorporated into the NHS Constitution.

Should the role of Constitution Champion be introduced to champion the Constitution locally?

To empower staff, patients and the public properly, it is important that we all understand our rights and what to do if they are not met. The role of Constitution Champion in every primary care trust (PCT) could be a strategic one in ensuring that the right systems and processes are in place so that the commitments in the NHS Constitution are being lived up to, or it could involve making people aware of their rights and providing information on the NHS Constitution. In order to reflect local need, and to ensure that existing systems offering advocacy and advice are built on rather than duplicated, we are proposing that the details of the role are developed locally.

What you can do

The NHS Constitution belongs to us all, and the changes proposed are important. We therefore want to hear the views of as many people as possible. **Please contribute.** You can respond to this consultation by taking part locally or responding to the national consultation exercise.

Your local PCT has been asked to engage with staff, patients, carers and the public. Keep an eye out for activities and engagement events, and take part if you can.

You can respond to the national consultation exercise by visiting the 'live consultation' section of the Department of Health website at:

www.dh.gov.uk/en/Consultations/Liveconsultations/index

You can complete the online questionnaire or respond to the NHS Constitution Team at:

NHS Constitution Team
Department of Health
Room 601
Richmond House
79 Whitehall
London
SW1A 2NS

or **nhsconstitution@dh.gsi.gov.uk**

Where you can find out more

Copies of the consultation document on the new rights are available at: www.dh.gov.uk/en/Consultations/Liveconsultations/index

Copies of the NHS Constitution and the Handbook to the NHS Constitution are available from DH Publications. You can also obtain copies by:

- downloading copies from www.dh.gov.uk/en/Healthcare/NHSConstitution/index.htm; or
- ordering hard copies, free of charge, by visiting www.orderline.dh.gov.uk or calling 0300 123 1002 and quoting 292330/The NHS Constitution or 292327/The Handbook to the NHS Constitution.

Copies of the NHS Constitution are available in a number of languages at: www.nhs.uk/choiceinthenhs/rightsandpledges/nhsconstitution/Pages/Overview.aspx

You can access an 'easy read' explanation of the NHS Constitution at: www.nhs.uk/choiceinthenhs/rightsandpledges/nhsconstitution/Pages/Overview.aspx



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