

Your Guide

to the proposed NHS Constitution

"I like to feel that I am making a difference"



"We want to start looking after our own health"

"Everybody should be treated as an individual"



It's your NHS. Know your rights.
Take responsibility. Get involved.

Securing the NHS for the future



This guide is designed for patients and the general public, and provides both a general overview of the NHS Constitution, and a specific focus on areas of interest for them.

There is a similar guide aimed at staff, which covers some of the same material, but goes into more detail on staff issues. Please go to the back page for information on how to get a copy of the guide for staff, and other relevant documents.

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The NHS is our nation's proudest achievement. Its future is too important to be left to chance. That is why the Government is proposing to secure the NHS for the next generation through a constitution.

The NHS was created 60 years ago in a remarkable act of political courage and vision, to remove the fear that haunted many families, of not being able to pay for necessary healthcare.

Since then, the NHS has changed radically and for the better. If it is to provide a world-class health service in the 21st century, it will need to keep changing to adapt to advances in medical science, new technology and the ageing population.

But for the NHS some things remain constant: what it is for, and the principles and values that underpin its activities. Patients, the public and staff should know what they are entitled to expect from the NHS, and what they can do if they don't get what they should. We all need to use it well, look after its resources, and take responsibility for our health and wellbeing. We should know who is responsible for what, and how decisions are made.

This draft Constitution has been developed through a wide process of consultation and is based on research into what matters to the public, patients and staff. The next step in the process is a public consultation, where everyone can have their say about what is in the Constitution and how it will work. This guide is intended to help you to do that – to explain our plans, and tell you how you can get involved.

Rt Hon Alan Johnson MP
Secretary of State for Health



The NHS Constitution What is it?

The NHS is the world's largest publicly funded health service. The proposed Constitution now records in one place what the NHS in England does, what it stands for and should live up to, and how decisions affecting it should be made.

It sets out principles to guide how all parts of the NHS should act and make decisions.

It again confirms the commitment to a service that is for everyone, funded by taxation, based on clinical need rather than an individual's ability to pay, without discrimination of any kind.

It sets out the NHS values formed out of discussion with patients, the public and staff.

It collects together, for the first time, important rights for patients, the public and staff – and it goes beyond rights, with pledges where the NHS strives to go further than the legal minimum. Each is backed up by an explanation of how it is enforced, and what to do if you don't get what you should.

It also describes our responsibilities – what we can all do to make the best use of the NHS.

It is proposed that the Government will, by law, have to renew the Constitution every 10 years and that NHS organisations will have to take account of it. Therefore no Government can change the Constitution without the full involvement of us all – patients, the public and staff.

Why do we need it?



It secures the future of the NHS

- It reaffirms enduring principles including our right to NHS services, free of charge except where sanctioned by Parliament.

It gives you, patients and the public, power

- It brings your rights together in one place, so that you know what you are entitled to, and what to do and what you can expect if you don't get what you should.
- It explains your right to make choices about your healthcare, and makes a pledge to offer you information, so that you can be more involved and equipped to make those choices.

It helps you to play your part in your NHS

- By making you aware of what the NHS can reasonably expect of you – such as attending appointments, and treating staff with respect – and how you can contribute, for instance by telling us what you think.

It recognises that NHS staff are its most important asset

- By making new pledges to address the issues that matter most to staff.

It recognises that the future of the NHS is too important to be left to chance

- By proposing a law to make sure that the Constitution is renewed every 10 years, with the full involvement of the public, patients and staff.



The NHS Constitution

What does it consist of?

There are two documents:

The NHS Constitution itself

This is a concise and enduring document that must be renewed every 10 years. NHS organisations must take account of it by law.

The Handbook to the NHS Constitution

– updated at least every three years

- Details of the rights summarised in the Constitution.
- Details of the pledges in the Constitution and how the NHS will deliver them.
- What you can do and can expect if things go wrong.

What's in it for you?



The proposed Constitution includes a clear explanation of your legal rights. Above and beyond these rights, it sets out pledges which the NHS strives to deliver. These are some of the benefits for patients and the public:

- A right to receive NHS services free of charge, apart from certain limited exceptions sanctioned by Parliament.
- A right both to NHS services without discrimination and to be treated with dignity and respect.
- Decisions on which drugs and treatments your local NHS funds will be clear and rational, not a 'lottery' of access, affirmed by two specific rights:
 - You have the right to drugs and treatments that have been recommended by NICE* for use in the NHS, if your doctor says that they are clinically appropriate for you.
 - For other drugs and treatments, you have the right to expect a rational decision based on evidence, and a clear explanation if the local NHS decides not to fund a treatment.
- A right to have your say in the development of local services.
- A right to make choices about your NHS care.
- A pledge to offer you information to better enable you to make choices, and allow you to be more involved in your treatment and care.

* NICE (the National Institute for Health and Clinical Excellence) is an independent NHS organisation that produces guidance on drugs and treatments.



The NHS Constitution

How has it been developed?

This draft Constitution is the result of many months' work with the three groups who are affected by it:

- Patients
- Public
- Staff

We started by asking all of the groups whether a constitution would be useful, and what it should contain.

The NHS values, in particular, came out of a series of discussions with patients, the public and staff.

We have also worked with many stakeholders.

Representatives of many parts of the NHS have helped – Royal Colleges, hospitals, unions, and many others.

We have also worked closely with other groups and individuals who are involved in, and care about, the NHS, such as patient organisations, local authorities, charities and other experts.

But this Constitution is still a draft – we now want to consult even more widely to make sure that it is the best that it can be.



The NHS Constitution

How will it be put into practice?



This is how the Constitution will be finalised and put into practice, so that it makes a difference to those who fund, use and work in the NHS:

The Constitution is only a draft. Everyone can now take part and comment.

The final Constitution will be part of a new law to be proposed in 2009.

The law will require all those providing NHS services to take account of the Constitution.

Government will, by law, have to renew the Constitution every 10 years.

This gives the Constitution real teeth.



This section of the guide summarises and explains each part of the Constitution. We focus on parts that most affect patients and the public.

If you want to obtain a copy of the whole Constitution and the Handbook that goes with it, turn to the back cover.

What is the NHS for?

The NHS belongs to the people.

It is there to improve our health, supporting us to keep mentally and physically well, to get better when we are ill and, when we cannot fully recover, to stay as well as we can.

It works at the limits of science – bringing the highest levels of human knowledge and skill to save lives and improve health.

It touches our lives at times of basic human need, when care and compassion are what matter most.

There are five key things to note:

1. The NHS isn't a single organisation. The Constitution can be a powerful glue to bind all of its parts.
2. The NHS exists to improve our health as a nation.
3. Mental health is as important as physical health.
4. It's a 'health' service – not just a sickness service – so it should help us to keep healthy.
5. The NHS can't promise to make us better, but if necessary it should care for us if we can't recover, help control our pain and, when it comes to it, help us to achieve a 'good death'.

Principles that guide the NHS

Seven key principles that guide the NHS in all it does:

1. The NHS provides a **comprehensive service** available to all, irrespective of gender, race, disability, age religion or sexual orientation.
2. Access is **based on clinical need**, not on an individual's ability to pay. Access to services is free, except in limited circumstances sanctioned by Parliament.
3. The NHS aspires to **high standards** of excellence and professionalism in everything it does.
4. NHS services must reflect the **needs and preferences** of patients, their families and their carers – that is, involving and consulting them.
5. The NHS **works together** across organisations, in the interest of patients, local communities and the wider population.
6. The NHS is committed to providing **best value** for taxpayers' money and the most effective and fair use of finite resources.
7. The NHS is **rightly accountable** to the public, communities and patients that it serves – it takes most of its decisions locally and gives us the chance to influence and scrutinise its performance and priorities.



These principles are the fundamentals that should guide the decisions and actions of all NHS organisations.

There are a few important points to understand:

- The principle that NHS care is based on clinical need, not on ability to pay is a foundation of the NHS. This is strengthened here by making clear that NHS services are free, except in limited circumstances where Parliament sanctions charges.
- Aspiring to the highest standards includes the development and support of staff, as well as the care and treatment of patients.
- Patients should not be seen as passive recipients of treatment, but as partners whose individual needs and preferences should be taken into account.
- The NHS cannot meet every need. As we live longer and scientific knowledge and technology advance, we have to use the NHS's resources responsibly and fairly.

The NHS values

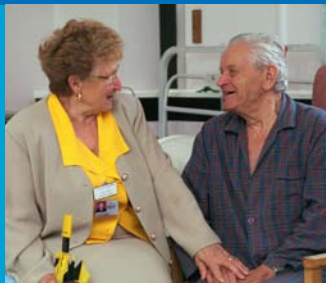
The principles are underpinned by a set of proposed **NHS-wide values**.

Patients, the public and staff have said that these are the values that inspire passion in the NHS and honour its heritage. Quotes from those who helped develop them demonstrate what they mean.

These will guide how those working in and using the NHS treat each other. For example, both staff and patients deserve to be respected.

“The NHS staff took my expertise as a carer seriously.”

Voluntary carer



Respect and dignity:

Treating people, whether patients or staff, as individuals – not as symptoms or resources

Commitment to quality of care:

Earning others' trust by insisting on quality and getting the basics right



“The things people remember are the everyday things like cleanliness of the ward, the quality of the food, privacy... and the friendliness and competence of the staff.”

Cardiologist

"A little 10 minute chat is so important – getting to know them as a person, picking up what they are anxious about."

Staff nurse



Compassion:

Finding the time to listen and understand

Improving lives:

Striving to improve health and well-being in England through excellence and professionalism



"I want to know the NHS is there when my family needs it."

Mother with 12 week old baby

"I went to sit in the normal chair and my consultant said 'No, there's your chair today', sat me in his chair and said: 'Right, now, what do you want me to do for you?'"

Member of the public with a long term condition



Working together for patients:

Putting patients first in everything we do

Everyone counts:

Using our resources for the benefit of the whole community



"It's about not writing people off."

Mental health promotion co ordinator

Patients and the public: your rights and NHS pledges to you

Everyone who is entitled to use the NHS should understand what legal rights they have. For this reason, important rights are summarised in this Constitution and explained in more detail in the *Handbook to the NHS Constitution*.

This is the first time that these rights have been brought together and set out for patients and the public.

The Constitution also contains pledges – those things the NHS strives to do that are above and beyond its legal requirements.

For both rights and pledges there is a system to put things right if they go wrong. This is described in the *Handbook to the NHS Constitution*. You can complain and have your complaint dealt with. If you're not satisfied, you can take your complaint to an independent body, The Health Service Ombudsman. For legal rights, ultimately you can go to the courts.

This guide is a shorter summary of the full Constitution, which you may want to read in full.

Rights and pledges are set out in seven areas:

- Access to health services
- Quality of care and environment
- Nationally approved drugs and treatment programmes
- Respect, consent and confidentiality
- Informed choice
- Involvement in your healthcare and in the NHS
- Complaint and redress.



Access to health services:

You have the right to receive NHS services free of charge, except when sanctioned by Parliament, and without discrimination.

You have the right to access local NHS services, and not to be refused on unreasonable grounds.


You have the right to expect your local NHS to put in place the services that are necessary to meet the needs of the local community.

You have the right to seek treatment elsewhere in Europe if you are entitled to NHS treatment but face undue delay in receiving NHS treatment.

The NHS will strive to provide convenient and easy access to services within the waiting times set out in the *Handbook to the NHS Constitution*. (pledge)

The NHS will strive to make decisions in a clear and transparent way, so that patients and the public can understand how services are planned and delivered. (pledge)

The NHS will strive to make the transition as smooth as possible when you are referred between services, and to include you in relevant discussions. (pledge)



Patients and the public: your rights and NHS pledges to you

Quality of care and environment:

You have the right to be treated with a professional standard of care, by appropriately qualified and experienced staff, in a properly approved or registered organisation.

You have the right to expect NHS organisations to monitor, and make efforts to improve, the quality of healthcare they provide, taking account of the applicable standards.

The NHS will strive to ensure that services are provided in a clean and safe environment that is fit for purpose, and for continuous improvement in the quality of services, based on national best practice. (pledge)

Nationally approved drugs and treatment programmes:

You have the right to drugs and treatments that have been recommended by NICE for use in the NHS, if your doctor says that they are clinically appropriate for you.

The NHS will strive always to provide approved vaccination and screening programmes (pledge).



Respect, consent and confidentiality:

You have the right to be treated with dignity and respect.


You have the right to accept or refuse treatment that is offered to you, and not be given any physical examination or treatment unless you have given valid consent, from you or from your legal representative. If consent cannot be obtained, the treatment must be in your best interest.

You have the right to be given information about your proposed treatment in advance, including any significant risks and alternative treatments.

You have the right to privacy and confidentiality.

You have the right to access your own health records.

The NHS will strive to share with you any letters sent between clinicians about your care. (pledge)



Patients and the public: your rights and NHS pledges to you

Informed choice:

You have the right to choose your GP practice, and not to be refused on unreasonable grounds.

You have the right to express a preference for using a particular doctor, and for the practice to try to comply.

The NHS will strive to inform you about what healthcare services are available to you, locally and nationally.

You have the right to make choices about your NHS care. The options available to you will develop over time and depend on your individual needs. Details are set out in the *Handbook to the NHS Constitution*.

The NHS will strive to offer you easily accessible information to enable you to participate fully in your own healthcare decisions and to support you in making choices. (pledge)



Involvement in your healthcare and in the NHS:

You have the right to be involved in discussions and decisions about your healthcare, and to be given information to enable you to do this.

You have the right to be involved in the planning, development, and proposals for changes in healthcare services and their operation.

The NHS will strive to work in partnership with you, your family and carers. (pledge)

The NHS will strive to provide you with the information that you need to effectively influence the planning and delivery of NHS services. (pledge)

Complaint and redress:

You have the right to make a complaint about your NHS services; to have your complaint dealt with efficiently and investigated appropriately; to know the outcome; and to compensation when harmed by negligent treatment.

You have the right to take your complaint to the Health Service Ombudsman*, or to make a claim for Judicial Review, if you have exhausted other rights of appeal.

The NHS will strive to ensure that if you make a complaint, you are treated with respect and courtesy, you receive a timely and appropriate response, any harm that you suffered is corrected and any necessary changes are put in place. (pledge)

* See the Health Ombudsman's publications *A Guide to Remedy* and *A Guide to Good Administration* for more information.

Patients and the public: your responsibilities

The NHS belongs to all of us.

As well as abiding by the law – where, for instance, physical or verbal abuse or causing an unlawful disturbance, could result in prosecution – there are things that we can all do to help the NHS work effectively and to ensure that resources are used responsibly.



“It’s reasonable to expect patients to take the same precautions that staff have to.”
Domestic supervisor



“We want to start looking after our own health, and to have choices about how to do this without putting the service under more pressure.”
Mixed group of staff, patients and public



You should recognise that you can make a significant contribution to your own and your family's good health, and take some personal responsibility for it.

You should register with a GP practice – the main point of access to NHS care.

You should treat NHS staff and other patients with respect – if you abuse people you may be prosecuted.

You should provide relevant and accurate information about your health, condition and status.

You should keep appointments, or cancel within reasonable time. If you don't, you may lose your place in the queue.

You should follow the course of treatment that you have agreed with your clinician.

You should take part in important public health programmes, like vaccinations.

You should make sure that those closest to you are aware of your wishes about organ donation.

You should tell us what you think about the treatment and care you have received, including good and bad experiences.

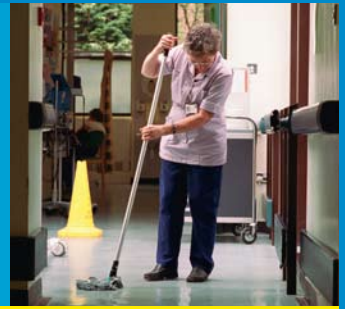
The NHS Constitution and staff



It is the loyalty, professionalism and dedication of staff that really make the difference to patients' quality of care and experience.

The NHS Constitution lets staff know what to expect – and what's expected of them – so that they can get on and improve patient service.

Staff: their rights and NHS pledges to them



Staff already have extensive legal rights, set out in detail in employment law and in their contracts. These are summarised in the Constitution. Now they also have a number of pledges that the NHS will strive to deliver for them.

The NHS will strive to provide all staff with well-designed and rewarding jobs that make a difference to patients, their families and carers, and to communities. (pledge)

The NHS will strive to provide all staff with personal development, access to appropriate training for their job and management support, in order to succeed. (pledge)

The NHS will strive to provide support for staff to keep themselves healthy and safe. (pledge)

The NHS will strive to engage staff in decisions that impact upon them and the services that they provide individually and through their representatives. All staff can suggest ways to deliver better and safer services for patients and their families. (pledge)



Staff: their responsibilities

All staff have responsibilities to the public, to their patients and to colleagues. Important legal duties are summarised in the Constitution. The Constitution also includes expectations that reflect how staff should play their part in ensuring the success of the NHS.

Staff should strive to maintain the highest standards of care and service, in what they do and in their contribution to the aims of the team and the NHS.

Staff should strive to take up training and development opportunities.

Staff should strive to play their part in improving services for patients, the public and communities.

Staff should strive to contribute to a climate where the truth can be heard and reporting of, and learning from, errors is encouraged.

Staff should strive to involve patients, their families and carers in the services that they provide.

How decisions are made



The Constitution and its Handbook also set out who is accountable for the NHS and how money is spent. Importantly, it guides how decisions are made.

Because the NHS is a **national** service funded through **national** taxation, the Government is accountable to Parliament for its operation.

In practice, most decisions should be taken by the local NHS or by patients with their doctor or clinician.

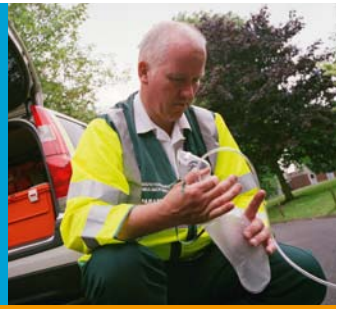
This especially applies to decisions about treatment of individual patients, or the detailed organisation of services locally.




The NHS Constitution is still only in draft form.
The consultation will run until 17 October 2008.

It's your NHS. Know your rights.
Take responsibility. Get involved.

Some questions to think about



- Should all NHS bodies and NHS-funded organisations be obliged by law to take account of the NHS Constitution?
- Do you think that the Government should have to renew the Constitution every 10 years?
- Are there any important principles missing?
- Should values be included in the Constitution?
- Is it useful to bring together all the key patient rights and pledges?
- Are responsibilities and expectations of patients and the public appropriate?
- Is the list of staff pledges right?
- Is the description of staff responsibilities right?
- How should all this be communicated to patients, the public and staff once it becomes law?
- How can we all make sure it leads to better NHS services?



How you can have your say

There will be consultation events running all over England – details available from your local NHS.

You can make your comments in two ways:



By email to:
nhsconstitution@dh.gsi.gov.uk



By post to:
NHS Constitution
Room 611a
Richmond House
79 Whitehall
London
SW1A 2NS

The consultation finishes on 17 October 2008.

Securing the NHS for the future



“People remember the friendliness off the staff – it’s about caring.”

Matron

“I’m the manager, and the health professionals are my team, which I call on from time to time.”

Member of the public with rheumatoid arthritis



“People are not cases. I tell my team: it’s not a sample, it’s part of a person.”

Biomedical scientist

You can find the draft NHS Constitution and further information at:

Department of Health website – www.dh.gov.uk/consultations

Further copies can be obtained from:

www.orderline.dh.gov.uk

dh@prolog.uk.com

By phone: 0300 123 1002

Or you can write, enclosing your name and address to:

PO Box 777

London

SE1 6XH

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Take responsibility. Get involved.

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