

Guide to consultation on new patient rights for the NHS Constitution



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Introduction

A consultation on the introduction of two new rights into the NHS Constitution is taking place between November 2009 and February 2010. This guide sets out what strategic health authorities (SHAs) and primary care trusts (PCTs) can do to support the process, and what is expected of them, and provides further background on the NHS Constitution and the current communications campaign for patients and the public.

The NHS Constitution – a reminder

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.

The 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.
- **Rights** and **pledges** for patients, the public and staff, as well as their **responsibilities**.

The consultation

General

The NHS Constitution is the result of extensive consultation with staff, patients and the public. This consultation process was locally led by PCTs and coordinated by SHAs, and allowed thousands of people to take part in the discussion. We would like a similar process to take place to support the consultation on the introduction of new rights into the Constitution.

This is not a consultation on the Constitution as a whole. It is about the possible addition of two new rights to the Constitution and the introduction of the new role of Constitution Champion, and it sets out a number of potential patient rights for the future. Because the Constitution and the proposed new rights are important to people, and the Constitution is designed to be an enduring document, changes cannot be considered lightly and we want to consult widely.

What we are consulting on

The consultation asks:

- Should a right in respect of waiting times be established and included in a revised NHS Constitution? If so, should the right include:
 - the current standard for treatment within 18 weeks?
 - the current standard for urgent referrals of suspected cancer to be seen by a specialist within two weeks?
- Should GPs provide specified information to patients on their rights around a two-week referral?

- Do people agree that a right to a NHS Health Check every five years for those aged 40–74 should be established, with effect from April 2012, and be included in a revised NHS Constitution?
- Do people agree that potential future rights for patients and the public should be explored, as set out in the consultation document?
- Do people agree that the role of the Constitution Champion should be determined locally by PCTs?
 - do people think there are any particularly important aspects of the role?

Responsibilities

The **Department of Health** will run a national consultation process. **Anyone** is free to respond to the national consultation.

SHAs are asked to coordinate consultation activities carried out by PCTs in their area, ensuring that the consultation is thorough and representative of local communities. SHAs are asked to provide details of the consultation activities that take place, summarise their results and pass these on to the Department of Health.

PCTs are asked to run consultation activities with staff, patients, carers, the public and other groups that may be particularly affected by the proposed changes (such as local cancer networks). They should report details of the activities that take place, and the responses to the consultation questions, to their SHA.

Who should be involved?

We want to ensure that a wide consultation takes place and, in particular, groups that are most likely to be affected by the changes are involved.

The groups we are legally obliged to involve are:

- patients;
- staff;
- carers;
- the public;
- other persons who may be particularly affected by the proposed changes, such as staff involved in managing waiting times or local cancer networks etc.

The precise make-up of these groups will depend on local circumstances. We would particularly welcome the involvement of groups that are traditionally hard to reach, and those that represent the various diversity groups (race, gender, disability, age, religion or sexual orientation) so that we can be reassured that we reflect the full range of views that exist among staff, patients, carers and the public.

How you should carry out the consultation

We do not intend to be prescriptive about how you should carry out the consultation. The basic principle is that patients, staff, carers and the public should all be involved. We will need a summary of responses that is as representative of these groups as possible.

We would expect that at least some specifically arranged consultation events or activities take place. However, you may also want to use any networks or other mechanisms that you already have for contacting your stakeholders to start a discussion around the consultation.

Some suggestions for activities that were successful when the NHS Constitution was initially being consulted on include:

- joint events run by two or more PCTs;
- the use of guest speakers (e.g. SHA chairs) at consultation events;
- the use of local websites and online fora;
- running events with citizen panels, patient panels and local involvement networks;
- carrying out surveys of particular communities, e.g. those attending mosques or local churches;
- starting a debate on local radio and other media networks; and
- utilising social media networks.

The principal aim of consultation activities will be to ascertain the response to the questions set out in the consultation document, and so you will need to bear this in mind when carrying out activities. However, the consultation also provides an opportunity to raise awareness of the Constitution more generally. While the specifics of the consultation should be the focus of activity, you will want to consider using this opportunity to distribute more information about the Constitution.

Issues to be aware of when carrying out the consultation

This is not a debate on the Constitution as a whole

The NHS Constitution, and the principles and values that it contains, are designed to be enduring. The Constitution is the result of extensive consultation and has already received widespread support. The impact that the Constitution is having will be measured and the Constitution itself will be the subject of a full public consultation at least once every 10 years. However, this consultation is an opportunity to raise awareness of the Constitution and encourage its use.

We will need responses to the specific questions set out in the consultation document. If general issues are raised about the Constitution as a whole, or individual rights or pledges that it contains, these should be resolved at the local level in the first instance. If there are issues or questions that cannot be resolved locally, you can contact the Department of Health's NHS Constitution Team at: nhsconstitution@dh.gsi.gov.uk

Consulting on a document about which there is relatively little awareness

In responding to the questions set out in the consultation, those who take part will need some background information on the Constitution to give context to the issues being raised. However, they will not need a detailed knowledge of the Constitution in order to respond to the questions being asked.

The information we need

We are looking for consultation to take place with the groups listed on page 7, and are seeking answers to the questions set out in the consultation document.

We will need to know:

- who you consulted;
- how many people were involved;
- what activities took place, and when;
- the headline answers to the consultation questions; and
- any important details that lie behind the headline answers.

A template to help you record the consultation activity that takes place is available on CommsLink.

Timescales

Consultation is taking place between 10 November 2009 and 5 February 2010. We are asking SHAs to respond to the Department of Health's NHS Constitution Team by 25 January 2010. The following suggested timescale therefore applies:

| Time | Responsible organisation | Action |
|-------------------------------------|--------------------------|---|
| 10 November 2009 | Department of Health | Launch national consultation |
| November 2009 | SHAs | Liaise with PCTs on local arrangements for carrying out the consultation |
| November 2009 – January 2010 | PCTs | Carry out local consultation activities |
| January 2010 | PCTs | Provide reports of results of consultation to SHAs |
| By 25 January 2010 | SHAs | Summarise results of consultation activities and send reports to the Department of Health |

Material to support you

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

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 in a number of languages are also available 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

Leaflets summarising the consultation, and how to take part, and a model presentation to be adapted for local use, are available to communication leads via CommsLink.

Where to go for further information

If you have any questions about the NHS Constitution, or the consultation, please contact the NHS Constitution Team on 020 7210 3822 or e-mail nhsconstitution@dh.gsi.gov.uk

Wider NHS Constitution communications

More general communication activities on the NHS Constitution are planned and will be designed to engage with key stakeholders, reach out to patients and the public, and support local organisations in adapting key Constitution messages to suit their own audiences.

The plans include:

- ongoing media/PR campaigns;
- third sector and patient stakeholder partnerships;
- life channel promotion to support GP engagement;
- a digital engagement programme;
- ongoing dialogue with regional communication leads;
- information on the Constitution for MPs; and
- partnerships with key professional stakeholders such as RCGP, CQC and NHS employers

SHAs are asked to set an example to their local NHS in their leadership around the NHS Constitution, and to work in partnership with the Department of Health in leading the implementation of the NHS Constitution. They are also asked to support PCTs in their engagement efforts by guiding, advising and quality assuring across their regions as appropriate.

PCTs are encouraged to debate with their local population about what the NHS Constitution means for them. They are also encouraged to support those individuals and organisations that are making the NHS Constitution real for staff, patients and the public.



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