

The NHS Constitution: A consultation on new patient rights



What will be covered today



What will be covered today

- What is the NHS Constitution?
- What does the Constitution contain?
- What does the Constitution do?
- What is happening now?
- What are we asking of you?
- Discussion of the consultation questions
- What happens next?

What is the NHS Constitution?



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 the Constitution contain?



What does the Constitution contain?

The NHS Constitution contains:

- A short **introduction**, which outlines the purpose of the NHS and of the 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**.

What does the Constitution do?



What does the Constitution 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 the Constitution do for me?

For **patients and the public** this means clarity about:

- what they have a right to expect from the NHS
- what to do if they do not get what they expect
- the responsibilities they have for helping the NHS work effectively and ensuring that resources are used responsibly.

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

What does the Constitution do for me?

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
- clarity about their rights and responsibilities, and the NHS's pledges to them around, for example, their personal development

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

What is happening now?



What is happening now?

We are asking what staff, patients, carers and the public think about:

- the inclusion of new rights into the NHS Constitution
- other potential changes to the Constitution that could be made in the future
- the introduction of the new role of “Constitution Champion”.

We are doing this because:

- any change to the NHS Constitution must be consulted on by law
- the Constitution belongs to us all, and it is important that any changes that are made to it fully reflect what people think
- some people may be particularly interested in some of the changes that are being proposed.

What are we asking?



What are we asking?

We are asking what you think about:

- the introduction of a **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.
- the introduction of a **right to a NHS Health Check** every five years for those aged 40-74, to come into effect in 2012 and, if not offered one at the provider you approach, a right to see an alternative provider
- exploring the introduction of a number of **potential future rights**
- the role of '**Constitution Champion**'

A new right to access services within waiting times



A new right to access services within waiting time standards



Background

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 2-weeks for urgent referrals of suspected cancer.

- These waiting times were originally targets which the NHS aspired to meet.
- They became standards when they began to be achieved in most places.
- They 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 come into force in April 2010



A new right to access services within waiting times



Exceptions to the right

As is currently the case, there will be some cases where the waiting times cannot be guaranteed. They include:

- Instances where patients choose to wait longer, for example if it is more convenient for them to do so
- Cases where there are clinical reasons why a longer wait is appropriate
- Instances where patients do not turn up for their agreed appointments or cancel within a reasonable time



A new right to waiting time standards

Offering an alternative

If patients do have to wait inappropriately, the NHS would be under a legal obligation to take reasonable steps to offer a range of alternative providers who can see the patient more rapidly than their original provider.

A new right to waiting time standards

Information on cancer referrals

In most cases, urgent referrals do not result in a cancer diagnosis and GPs use their judgement about what to tell individual patients, for instance in order to avoid causing undue stress or worry.

This could mean that not all patients are aware of their rights.

We would therefore welcome views on whether GPs or providers should be required to provide specific information to patients about their rights and what the 2 week waiting time means.

A new right to waiting time standards

- **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 consultant-led 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 2 week referral?**

A new right to health checks



A new right to health checks

What is a NHS Health Check?

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.

It aims to identify an individual's risk of these conditions earlier and to support them to reduce their risk through lifestyle or clinical management.

A new right to health checks

Background

The programme is already underway. 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 people would be free to choose whether to take up the offer or not

Everyone would continue to be able to contact their GP if they are concerned about their health and feel that they would benefit from any form of health check

A new right to health checks

Timing

We propose that a new right comes into effect April 2012 to allow time to ensure that additional appropriate services to manage and reduce risk of vascular disease are in place and to put in place the necessary infrastructure to support the programme.

A new right to health checks

- Do you 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?

Exploring potential future rights



Exploring potential future rights

The NHS Constitution is a living document that needs to reflect rising public expectations.

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 in the NHS Constitution

Exploring potential future rights

- **Do you agree we should explore potential future rights for patients and the public about:**
 - **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.**

The role of “Constitution Champion”



The role of “Constitution Champion”

The consultation proposes creating the role of a Constitution Champion. This would not cut across the systems for advocacy and redress already in place but it could:

- help empower staff, patients and the public to understand their rights, and what to do if they are not met
- help ensure the right systems are in place locally to make sure those rights are delivered

The role would not be prescribed nationally but could be adapted to reflect local need, and to ensure that existing systems to offer advocacy and advice are built on rather than duplicated.

The role of “Constitution Champion”

- Do you agree the role of the Constitution champion should be determined locally by PCTs?
- Do you think there are any particularly important aspects of the role?

What happens next?



What happens next?

All Primary Care Trusts are being asked to consult their local populations

Your comments and suggestions will be forwarded to the Department of Health to be considered alongside those from other parts of the country

What happens next?

The consultation will remain open until 5 February 2010

The government will consider all the comments it receives and produce a response to the consultation

The NHS Constitution and Handbook to the NHS Constitution will be amended as necessary to reflect the results of the consultation

What happens next?

- You are able to respond individually to the national consultation exercise if you wish
- The consultation document, and a form for your comments are available at:

<http://www.dh.gov.uk/en/Consultations/index.htm>

- If you have any other comments on the consultation you can also contact the Department of Health at:

nhsconstitution@dh.gsi.gov.uk