
The National Health Service

Constitution

A draft for consultation, July 2008

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.

The NHS is founded on a common set of principles, values and commitments that bind together the people who it serves – patients and public – and the staff who work for it.

This Constitution establishes the **principles** and **values** of the NHS in England. It sets out commitments to patients, public and staff in the form of **rights** to which they are entitled and **pledges** which the NHS will strive to deliver, together with **responsibilities** which the public, patients and staff owe to each other to ensure that the NHS operates fairly and effectively. All NHS bodies and private and third sector providers supplying NHS services will be required by law to take account of this Constitution in their decisions and actions.

The Constitution will be renewed every ten years, with the involvement of patients, public and staff. It will be accompanied by the *Handbook to the NHS Constitution*, to be renewed every three years, setting out current guidance on the rights, pledges, duties and responsibilities established by the Constitution. These requirements for renewal will be legally binding. They will guarantee that the principles and values which underpin the NHS are subject to regular review and recommitment; and that any government which seeks to alter the principles or values of the NHS, or the rights, pledges, duties and responsibilities set out in this Constitution, will have to engage in a full and transparent debate with the public, patients and staff.

1. Principles that guide the NHS

Seven key principles guide the NHS in all it does. They are underpinned by core NHS values which have been derived from extensive discussions with staff, patients and the public. These values are set out at the back of this document.

1. The NHS provides a comprehensive service, available to all irrespective of gender, race, disability, age, religion or sexual orientation. It has a duty to each and every individual that it serves. At the same time, it has a wider social duty to promote equality through the services it provides and to pay particular attention to groups or sections of society where improvements in health and life expectancy are not keeping pace with the rest of the population.

2. Access to NHS services is based on clinical need, not an individual's ability to pay. NHS services are free of charge, except in limited circumstances sanctioned by Parliament.

3. The NHS aspires to high standards of excellence and professionalism – in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

4. NHS services must reflect the needs and preferences of patients, their families and their carers. Patients, with their families and carers, where appropriate, will be involved in and consulted on all decisions about their care and treatment.

5. The NHS works across organisational boundaries and in partnership with other organisations in the interest of patients, local communities and the wider population. The NHS is an integrated system of organisations and services bound together by the principles, values and commitments now reflected in the Constitution. The NHS is committed to working jointly with local authorities and a wide range of other private, public and third sector organisations at national and local level to provide and deliver improvements in health and wellbeing.

6. The NHS is committed to providing best value for taxpayers' money and the most effective and fair use of finite resources. Public funds for healthcare will be devoted solely to the benefit of the people that the NHS serves.

7. The NHS is accountable to the public, communities and patients that it serves. The NHS is a national service funded through national taxation, and it is the Government which sets the framework for the NHS and which is accountable to Parliament for its operation. However, most decisions in the NHS, especially those about the treatment of individuals and the detailed organisation of services, are rightly taken by the local NHS and by patients with their clinicians. The system of responsibility and accountability for taking decisions in the NHS should be transparent and clear to public, patients and staff. The Government will ensure that there is always a clear and up-to-date statement of NHS accountability for this purpose. In addition, all NHS organisations will give patients and the public the opportunity to influence and scrutinise their performance and priorities; and patients, public and staff will be involved in relevant decisions about the NHS which affect them, either directly or through their representatives.

2a. 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*, which also explains what you can do if you think you have not received what is rightfully yours. This summary does not alter the content of your legal rights.

This Constitution also contains **pledges** – those things the NHS strives to do above and beyond its legal requirements.

Access to health services:

You have the right to receive NHS services free of charge, apart from certain limited exceptions sanctioned by Parliament.

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

You have the right to expect your local NHS to assess the health requirements of the local community and to put in place the services to meet those needs as considered necessary.

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

You have the right not to be unlawfully discriminated against in the provision of NHS services including on grounds of gender, race, religion, sexual orientation, disability (including learning disability or mental illness).

The NHS will strive to provide convenient, 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)

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.¹

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

The NHS will strive for continuous improvement in the quality of services you receive, identifying and sharing best practice in quality of care and treatments. (pledge)

Nationally approved treatments, drugs and programmes:

You have the right to drugs and treatments that have been recommended by NICE² for use in the NHS, if your doctor says they are clinically appropriate for you.

You have the right to expect local decisions on funding of other drugs and treatments to be made rationally following a proper consideration of the evidence. If the local NHS decides not to fund a drug or treatment you

¹ The current standards are set out in the *Handbook to the NHS Constitution*.

² NICE (the National Institute for Health and Clinical Excellence) is an independent NHS organisation producing guidance on drugs and treatments. 'Recommended' means recommended by a NICE technology appraisal. Primary Care Trusts are normally obliged to fund NICE technology appraisals from a date no later than three months from the publication of the appraisal.

and your doctor feel would be right for you, they will explain that decision to you.

The NHS will strive always to provide vaccination and screening programmes as recommended by the appropriate national advisory bodies. (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 to be given any physical examination or treatment unless you have given valid consent. If you do not have the capacity to do so, consent must be obtained from a person legally able to act on your behalf, or the treatment must be in your best interests.

You have the right to be given information about your proposed treatment in advance, including any significant risks and any alternative treatments which may be available, and the risks involved in doing nothing.

You have the right to privacy and confidentiality.

You have the right to access your own health records. These will always be used to manage your treatment in your best interests.

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

Informed choice:

You have the right to choose your GP practice, and to be accepted by that practice unless there are reasonable grounds to refuse, in which case you will be informed of those reasons.

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

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 inform you about what healthcare services are available to you, locally and nationally. (pledge)

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. This will include information on the quality of clinical services where there is robust and accurate information available. (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, directly or through representatives, in the planning of healthcare services, the development and consideration of proposals for changes in the way those services are provided, and in decisions to be made affecting the operation of those services.

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

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

Complaint and redress:

You have the right to have any complaint you make about NHS services dealt with efficiently and to have it properly investigated.

You have the right to know the outcome of any investigation into your complaint.

You have the right to take your complaint to the Health Service Ombudsman where you have exhausted any other rights of appeal or review.

You have the right to make a claim for judicial review if you think you have been directly affected by an unlawful NHS decision or action.

You have the right to compensation where you have been harmed by negligent treatment.

The NHS will strive to ensure that if you make a complaint, you will receive a timely and appropriate response, that any harm you suffered is corrected where possible, and that the organisation learns lessons and puts in place necessary improvements. (pledge)

The NHS will strive to ensure that you receive appropriate support and are treated with respect and courtesy throughout the handling of any complaint you make; and the fact that you have complained will not affect your future treatment. (pledge)

2b. Patients and the public – your responsibilities

The NHS belongs to all of us. There are things that we can all do to help it work effectively and to ensure resources are used responsibly:

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 and recognise that causing a nuisance or disturbance on NHS premises could result in prosecution.

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

You should keep appointments, or cancel within reasonable time. Receiving treatment within the maximum waiting times may be compromised unless you do.

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

You should participate in important public health programmes such as vaccination.

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

You should give feedback – both positive and negative – about the treatment and care you have received, including any adverse reactions you may have had.

3a. Staff – your rights and NHS pledges to you

It is the commitment, professionalism and dedication of staff involved in working for the benefit of the people the NHS serves which really make the difference to patients' quality of care and experience.

All staff should have rewarding and worthwhile jobs, with the freedom and confidence to act in the interest of patients. To do this, they need to be trusted, actively listened to and treated with respect at work; to have the tools, training and support to deliver care; and to have opportunities to develop and progress.

Staff have extensive **legal rights**, embodied in general employment and discrimination law. These are summarised in the *Handbook to the NHS Constitution*. In addition, individual contracts of employment contain terms and conditions giving staff further rights.

The rights are there to help ensure that staff:

- have a good working environment with flexible working opportunities, consistent with the needs of patients and with the way that people live their lives;

- have a fair pay and contract framework;
- can be involved and represented in the workplace;
- have safe working conditions free from harassment, bullying and violence;
- are treated fairly, equally and free from discrimination; and
- can raise an internal grievance and if necessary seek redress, where it is felt that a right has not been upheld.

In addition to these legal rights, there are a number of **pledges** which the NHS will strive to deliver.

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 communities. (pledge)

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

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

The NHS will strive to engage staff in decisions that affect them and the services they provide, individually and through representatives. All staff will be empowered to put forward ways to deliver better and safer services for patients and their families. (pledge)

3b. Staff – your responsibilities

All staff have responsibilities to the public, their patients and colleagues.

Important legal duties are summarised below. The Constitution also includes expectations that reflect how staff should play their part in ensuring the success of the NHS.

You have a duty to accept professional accountability and maintain the standards of professional practice as set by the appropriate regulatory body, applicable to your profession or role.

You have a duty to take reasonable care of health and safety at work for you and others, and to co-operate with employers to ensure compliance with health and safety requirements.

You have a duty to act in accordance with the express and implied terms of your contract of employment.

You have a duty not to discriminate against patients or staff and to adhere to equal opportunities and diversity legislation.

You have a duty to protect the confidentiality of personal information that you hold.

You have a duty to be honest and truthful in applying for a job.

You should strive to maintain the highest standards of care and service, taking responsibility not only for the care you personally provide, but also for your wider contribution to the aims of your team and the NHS as a whole.

You should strive to take up training and development opportunities provided.

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

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

You should strive to involve patients, their families and carers in the services you provide.

NHS values

The NHS values have been derived from extensive discussions with staff, patients and the public:

Respect and dignity. We value each person as an individual, respect their aspirations and commitments in life, and seek to understand their priorities, needs, abilities and limits. We take what others have to say seriously. We are honest about our point of view and what we can and cannot do.

Commitment to quality of care. We earn the trust placed in us by insisting on quality and striving to get the basics right every time: safety, confidentiality, professional and managerial integrity, accountability, dependable service and good communication. We welcome feedback, learn from our mistakes and build on our successes.

Compassion. We find the time to listen and talk when it is needed, make the effort to understand, and get on and do the small things that mean so much – not because we are asked to but because we care.

Improving lives. We strive to improve health and well-being and people's experiences of the NHS. We value excellence and professionalism wherever we find it – in the everyday things that make people's lives better as much as in clinical practice, service improvements and innovation.

Working together for patients. We put patients first in everything we do, by reaching out to staff, patients, carers, families, communities, and professionals outside the NHS. We put the needs of patients and communities before organisational boundaries.

Everyone counts. We use our resources for the benefit of the whole community, and make sure nobody is excluded or left behind. We accept that some people need more help, that difficult decisions have to be taken – and that when we waste resources we waste others' opportunities. We recognise that we all have a part to play in making ourselves and our communities healthier.