



The NHS Constitution

All you need to know about
how the NHS Constitution
affects you as a provider or
commissioner of NHS care



**THE NHS
CONSTITUTION**
the NHS belongs to us all

About this guide

This leaflet is aimed at NHS staff. It gives you background information about the NHS Constitution and – most importantly – explains those parts that are relevant to you.

For the first time in the history of the NHS, an NHS Constitution has been created that reflects what matters to staff, patients and public. It brings together in one place what staff, patients and taxpayers can expect from the NHS.

The idea of a constitution was recommended by Health Minister Lord Darzi in his report *High Quality Care for All*, published on the 60th anniversary of the NHS. Lord Darzi set out a 10-year plan to provide the highest quality of care and service for patients in England.

1. Background to the NHS Constitution

- What is it?
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1. Background to the NHS Constitution

This section provides an introduction to the NHS Constitution and its related documents. It explains what the NHS Constitution is and what it does, why we need it and how it was created.

It is the commitment, professionalism and dedication of staff working for the benefit of the people the NHS serves which really make the difference. High-quality care requires high-quality workplaces, with commissioners and providers aiming to be employers of choice.

This guide explains how the NHS Constitution will benefit you in your work within the NHS.



What is it?

The NHS Constitution sets out the principles and values that guide how the NHS should act and make decisions. It also explains the rights and responsibilities of staff, patients and the public, and the NHS's pledges to them.

All NHS organisations and other bodies supplying NHS services must have regard to the NHS Constitution, and the Constitution itself must be renewed by the Government every 10 years.

There are several key associated documents that can be read alongside the NHS Constitution. Some of these are detailed opposite.

1

The Handbook to the NHS Constitution, which must be updated at least every three years and gives further details of the rights, commitments and responsibilities that are summarised in the Constitution.

2

The Statement of NHS Accountability, which provides a summary of the structure of the NHS and the roles and responsibilities of each of its parts.

3

The NHS Constitution establishes **a new right to choice and information**. New legally binding **Directions from the Secretary of State** to primary care trusts (PCTs) support this new right. The Department of Health has issued **guidance for PCTs** to help them with the implementation of the right. The guidance explains what their new duties are and sets out some of the levers for implementing the new duties.

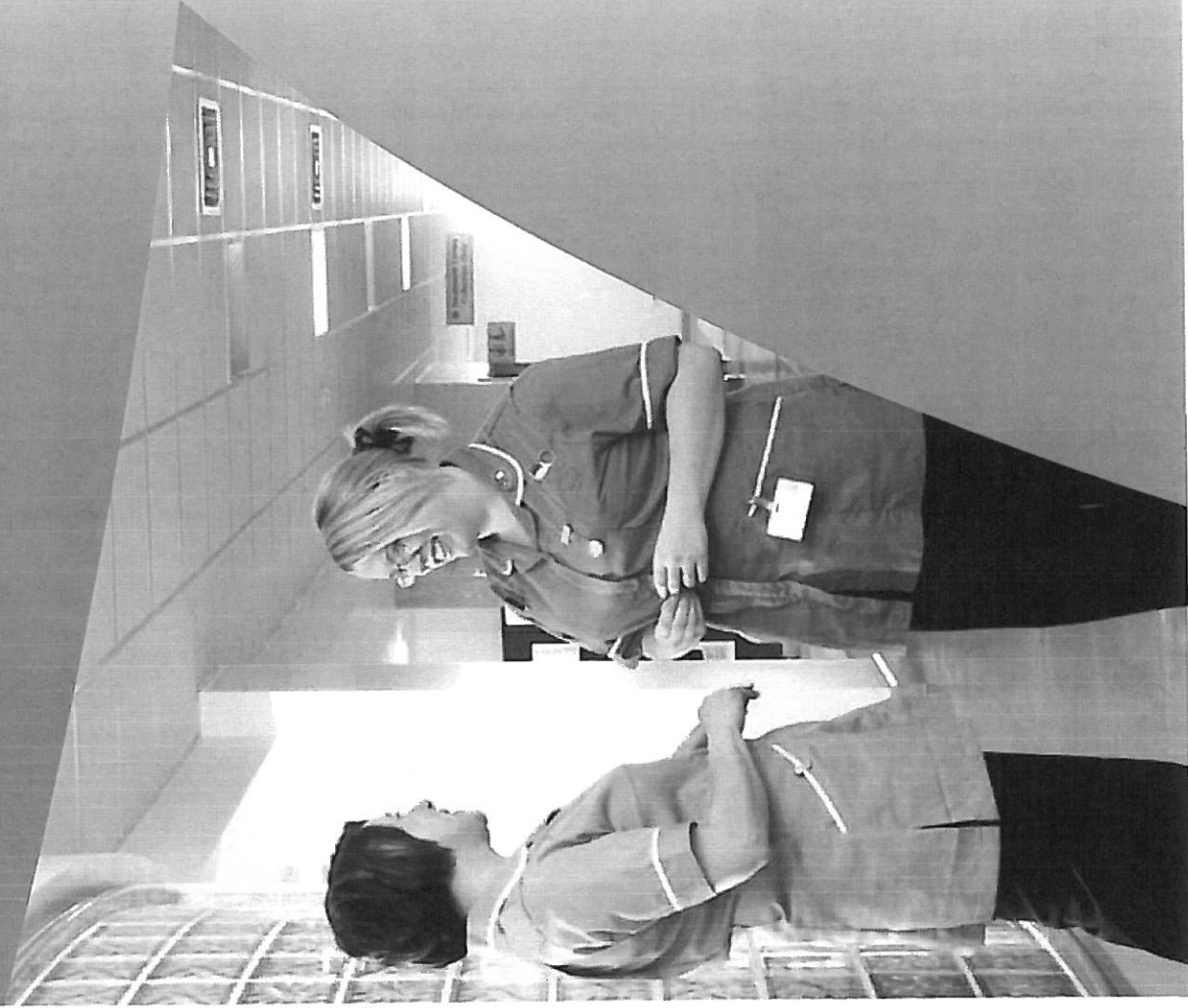
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Guiding principles and statutory directions are available to help PCTs make rational and transparent **decisions on the funding of drugs and treatments** that are not, or not yet, appraised by the National Institute for Health and Clinical Excellence (NICE). Guidance will be issued shortly covering funding policy decisions on new drugs and processes for considering exceptions.

To get a copy of any of these documents, visit www.nhs.uk/constitution

What does the NHS Constitution do?

- **Brings together in one place** what staff, patients and taxpayers can expect from the NHS.
- **Forms the basis of a new relationship between staff and patients** – a relationship based on partnership, where everyone knows what they can expect from the NHS and what is expected of them.
- **Describes everyone's responsibilities** and makes it clear what staff, patients and the public can do to make the very best use of NHS resources.
- **Confirms that the NHS belongs to us all**, and that access to NHS services is based on clinical need, not an individual's ability to pay.
- **Details all existing rights** for staff, patients and the public and explains what to do if you feel that your rights have not been upheld. The Constitution also explains where the NHS pledges to improve services and working environments.
- **Sets out for the first time new rights for patients** – for example the right to make choices about their care and the right to receive the vaccinations that the national advisory body recommends they should receive under the NHS.
- **Sets out principles and values** to guide how all parts of the NHS should act and make decisions.



Why do we need the NHS Constitution?

- It secures the future of the NHS for generations to come. The Government must renew the NHS Constitution every 10 years (consulting staff, patients and the public), so the NHS can't be changed by stealth.
- It aims to ensure high-quality, free NHS services – and value for money for the taxpayer.
- It tells staff and patients what they are entitled to, and what to do if their expectations are not met.
- It recognises that it is staff that really make the difference when providing high-quality care and commits to addressing those issues that are most important to you.
- It helps staff, patients and the public play their part in the NHS, letting them know what is expected of them.
- It sets out a vision in which all staff should be trusted and actively listened to and have the confidence, tools and support to act in the interest of patients.



How has it been created?

The NHS Constitution is the result of almost a year of discussions, research and consultation with a wide range of staff, patients and the public. Consultations with other representatives of the NHS (such as the Royal Colleges, trusts and unions) and other organisations and individuals who are involved in and care about the NHS (such as patient organisations, local authorities, charities and other experts), have also played an important role.

The pledges to staff have come from research into what matters to staff involving more than 9,000 staff across the NHS.

The opinions expressed in the consultation since the draft Constitution was published have helped to strengthen the final Constitution. In particular they:

- helped shape the NHS values that will underpin all future NHS services;
- strengthened and clarified the pledges to staff;
- led to a new right to receive recommended vaccinations;
- built on the right to choice by extending it to include a new right to have information to support that choice; and
- asked for a new commitment to provide access to an NHS dentist for all those who want it.

Consultation will continue to have an important role in the way the Constitution will develop in the future. Importantly, the Government can never change the Constitution without seeking the views of staff, patients and the public.

What does it mean for you?

→ **The Constitution makes pledges to you.** These pledges represent an NHS-wide commitment to provide high-quality workplaces designed with you in order that you can provide high-quality care for your patients. For example, the NHS commits to engage staff in decisions that affect them and the services they provide, individually and through their representative organisations and local partnership working arrangements, and empower all staff to suggest ways to deliver better and safer services for patients and their families. In return, you have a part to play, and the NHS Constitution explains what is expected of you. For example, when providing treatment or care you should involve patients, their families and carers.

→ **The pledges and principles are supported by a set of NHS-wide values,** developed with staff, patients and public. These include, for example, treating each individual – colleagues and patients – with respect and dignity. Each organisation will also develop and refresh its own locally determined values, drawing on the national values but tailored to the spirit and purpose of the local organisation.

→ **For the first time, your legal rights have been brought together.** The Constitution summarises the aims of these rights and the handbook lays out in detail what the rights are, for example rights relating to fair and equal treatment, fair pay and a contract framework. At the same time the Constitution lays out your legal duties as a member of staff. For example, you have a duty to protect the confidentiality of personal information.

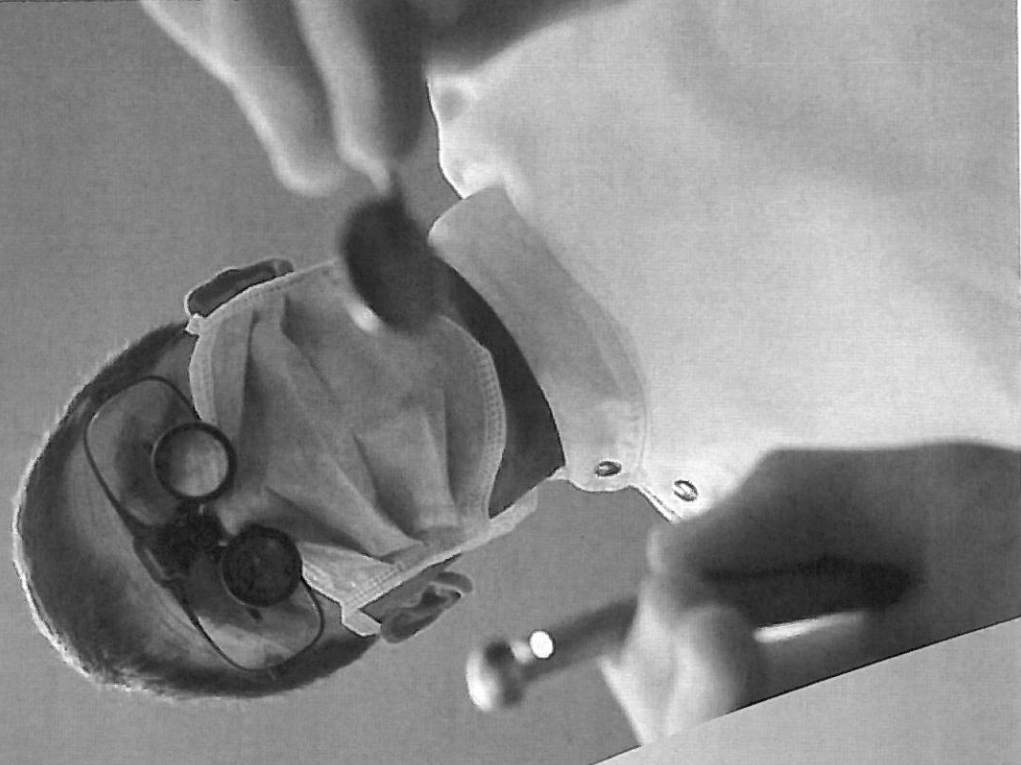
→ **Monitoring progress on pledges to you.** Questions relating to 'what matters to staff', from which the pledges to staff are taken, have been incorporated into the staff survey this year. Going forward, the Care Quality Commission will monitor staff satisfaction as measured through the staff survey, and will report on it in their annual evaluation of trusts.

→ **Patients rights and pledges.** The Constitution also sets down in one place patients' legal rights and a set of pledges by the NHS to patients and the public. It also describes the things patients and the public can do to help the NHS work more effectively. The patient and public rights and pledges share the same principles and values as yours, but they are tailored to specific rights and responsibilities as a patient. For example, patients and the public have a right to register with a GP of their choice and a responsibility to keep appointments and use NHS services responsibly.

The NHS Constitution is the result of extensive discussions with patients and staff and will help staff, patients and the public to work together to continually improve the NHS.

The NHS Constitution sets out a vision in which all staff should be trusted, be actively listened to and have the confidence to act in the interests of patients.

- **The NHS Constitution sets out a commitment to engage staff** in decisions that affect them and the services they provide.
- **It commits the NHS to providing staff** with clear roles and responsibilities, rewarding jobs, personal development and training for their jobs.
- **It confirms a commitment to providing high-quality working environments** that promote health, well-being and safety.
- **It introduces The Statement of NHS Accountability**, which clarifies roles and responsibilities within the NHS.
- **The NHS Constitution publishes a clear statement** of what the NHS will do for patients, so that there is clarity for staff in their roles.
- **It establishes a set of NHS-wide values** to inspire passion and guide the NHS in the 21st century.
- **It lists specific patient responsibilities** that provide a basis for relationships between staff and patients that are fair and effective.



2. Guide to the NHS Constitution

This section of the guide summarises and explains each part of the NHS Constitution. It sets out what the NHS Constitution says about:

- the NHS;
- NHS principles;
- NHS values;
- staff – their rights, NHS pledges to them and their responsibilities;
- Patients and the public – their rights, NHS commitments to them and their responsibilities.



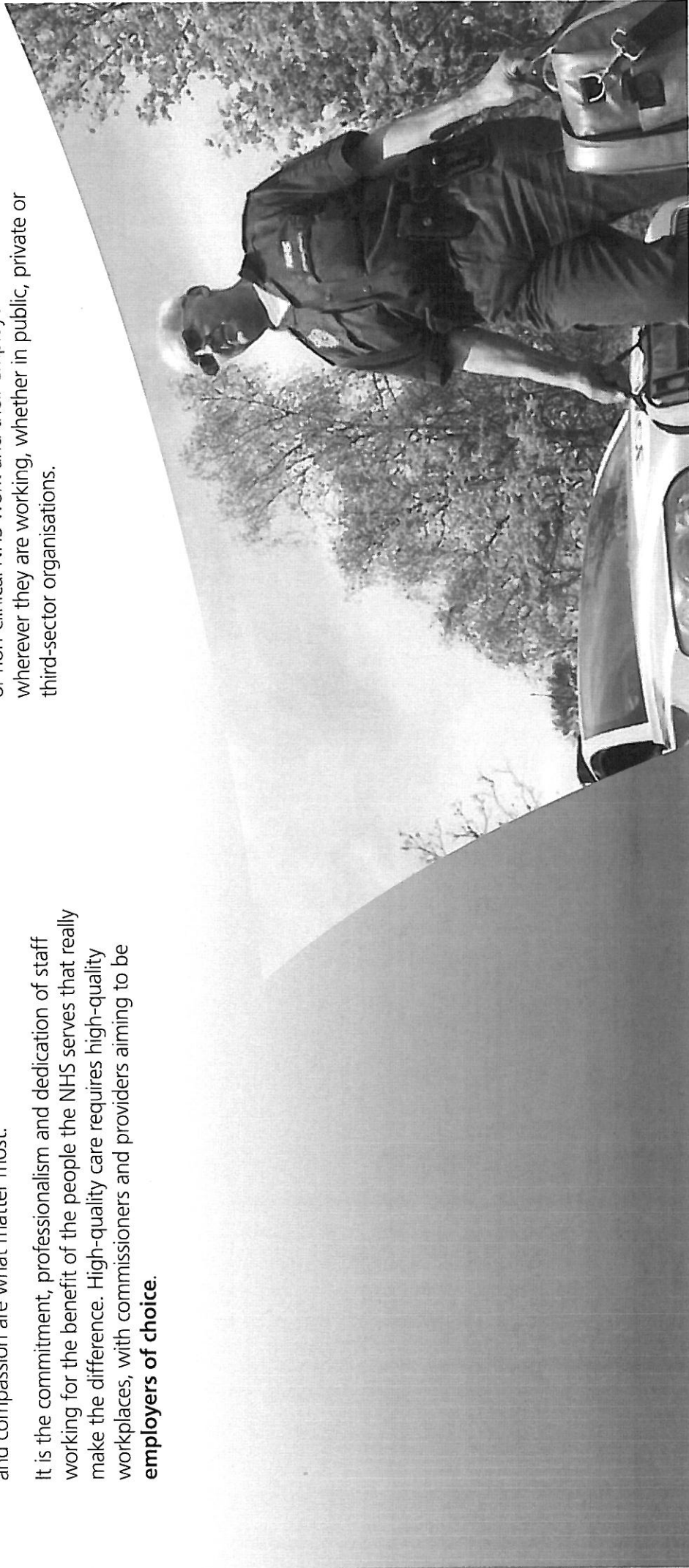
The NHS

The NHS belongs to all of us. It is there to improve our health and well-being, supporting us to keep mentally and physically well, to get better when we are ill and, when we can't fully recover, to stay as well as we can to the end of our lives.

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.

It is the commitment, professionalism and dedication of staff working for the benefit of the people the NHS serves that really make the difference. High-quality care requires high-quality workplaces, with commissioners and providers aiming to be **employers of choice.**

The NHS Constitution outlines the vision that **all staff should have rewarding and worthwhile jobs**, with the freedom and confidence to act in the interests of patients. To do this, they need to be **trusted and actively listened to**. They must be **treated with respect** at work, have the tools, training and support to deliver care, and opportunities to develop and progress. The NHS Constitution applies to all staff doing clinical or non-clinical NHS work and their employers. It covers staff wherever they are working, whether in public, private or third-sector organisations.



NHS principles

There are seven **principles** that guide how all parts of the NHS – you and your organisations – are expected to behave and make decisions.

- The NHS provides a comprehensive service available to all, irrespective of gender, race, disability, age, sexual orientation, religion or belief.
- Access to NHS services is based on clinical need, not an individual's ability to pay. NHS services are free, except in limited circumstances sanctioned by Parliament.
- The NHS aspires to the highest standards of excellence and professionalism in all that it does, including the development and support of staff, as well as the care and treatment of patients.
- NHS services must reflect the needs and preferences of patients, their families and their carers. 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 works together across organisational boundaries and in partnership with other organisations in the interests of patients, local communities and the wider population.
- The NHS is committed to providing best value for taxpayers' money and the most effective, fair and sustainable use of finite resources. As we live longer, and scientific knowledge and technology advance, we have to use the NHS's resources responsibly and fairly.
- The NHS is 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.



Why do we have NHS values?

The values reflect those things that people said inspire passion in the NHS and can guide it into the 21st century. When there are tough decisions to be made, shared values that are widely understood create the bonds of trust and common ground that allow for engaged debate beforehand, implementation afterwards and co-operation to achieve shared aspirations. This is particularly relevant when patient pathways cross over organisations.

Shared values

Shared values become more important as local autonomy and professional freedom grow. They ensure that the NHS continues to operate with shared purpose when and where it matters. The NHS-wide values complement the local values that will be developed or refreshed by local NHS organisations and teams. When organisation and staff values match, we:

- express greater satisfaction with our jobs and workplaces;
- commit more strongly to the organisation;
- feel more personally successful, and more supported in that success by the organisation; and
- think less about leaving.

Where do the values come from?

The values have come from a long process of research and consultation with staff, patients and the public.

NHS values

1

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 can't do.

2

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.

3

Compassion

We respond with humanity and kindness to each person's pain, distress, anxiety or need. We search for the things we can do, however small, to give comfort and relieve suffering. We find time for those we serve and work alongside. We do not wait to be asked, because we care.

4

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.

5

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.

6

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.

Staff rights and NHS pledges

“It is the loyalty, professionalism and dedication of staff that really makes the difference to patients’ quality of care experience.”

– NHS Constitution

Your rights

The NHS has a good record of fair employment and respecting the rights of staff. These rights are embodied in general employment and discrimination law, and are summarised in *The Handbook to the NHS Constitution*.

Your rights are there to help ensure that you:

- 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 safe and healthy working conditions – free from harassment, bullying or violence;
- have a fair pay and contract framework;
- receive fair and equal treatment that is free from discrimination; and
- can raise an internal grievance/seek redress if it is felt that a right has not been upheld.

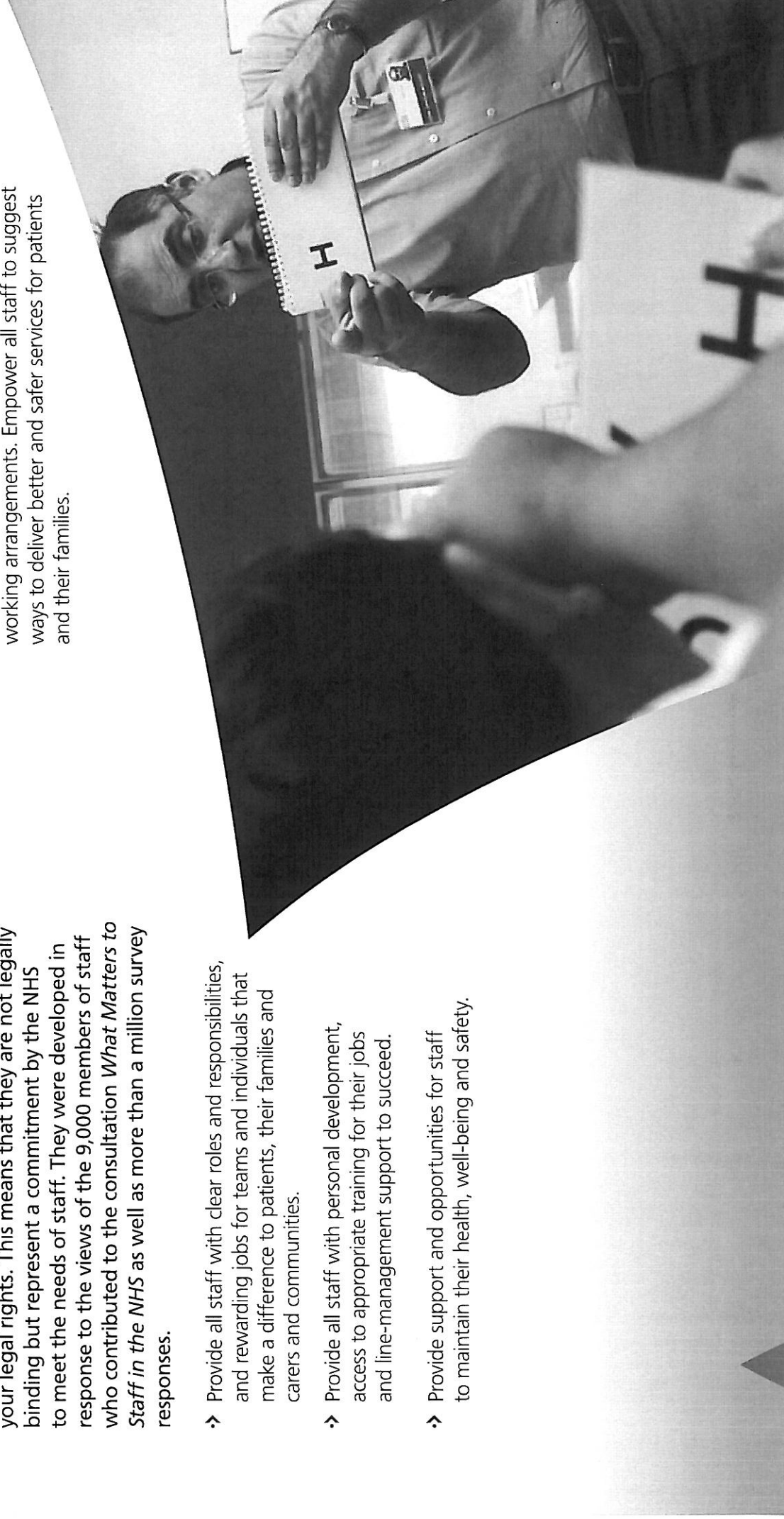


NHS pledges

The Constitution sets out pledges that the NHS is committed to achieve. Pledges go above and beyond your legal rights. This means that they are not legally binding but represent a commitment by the NHS to meet the needs of staff. They were developed in response to the views of the 9,000 members of staff who contributed to the consultation *What Matters to Staff in the NHS* as well as more than a million survey responses.

- Provide all staff with clear roles and responsibilities, and rewarding jobs for teams and individuals that make a difference to patients, their families and carers and communities.
- Provide all staff with personal development, access to appropriate training for their jobs and line-management support to succeed.
- Provide support and opportunities for staff to maintain their health, well-being and safety.

- Engage staff in decisions that affect them and the services they provide, individually and through their representative organisations and local partnership working arrangements. Empower all staff to suggest ways to deliver better and safer services for patients and their families.



Expectations of staff

“The highest quality of patient care is delivered by staff who are ambitious in their expectations of themselves and their colleagues, and strive to achieve beyond what is legally required of them.”

– NHS Constitution

Legal duties

The NHS Constitution summarises those legal duties that are relevant to all NHS staff.

- **Accept professional accountability** and maintain the standards of professional practice as set by the appropriate regulatory body applicable to your profession or role.
- **Take reasonable care of health and safety at work** for you, your team and others, and co-operate with employers to ensure compliance with health and safety requirements.
- **Act in accordance with the express and implied terms of your contract** of employment.
- **Don't discriminate against patients or staff** and adhere to equal opportunities and equality and human rights legislation.
- **Protect the confidentiality** of personal information that you hold unless to do so would put anyone at risk of significant harm.
- **Be honest and truthful** in applying for a job and in carrying out that job.



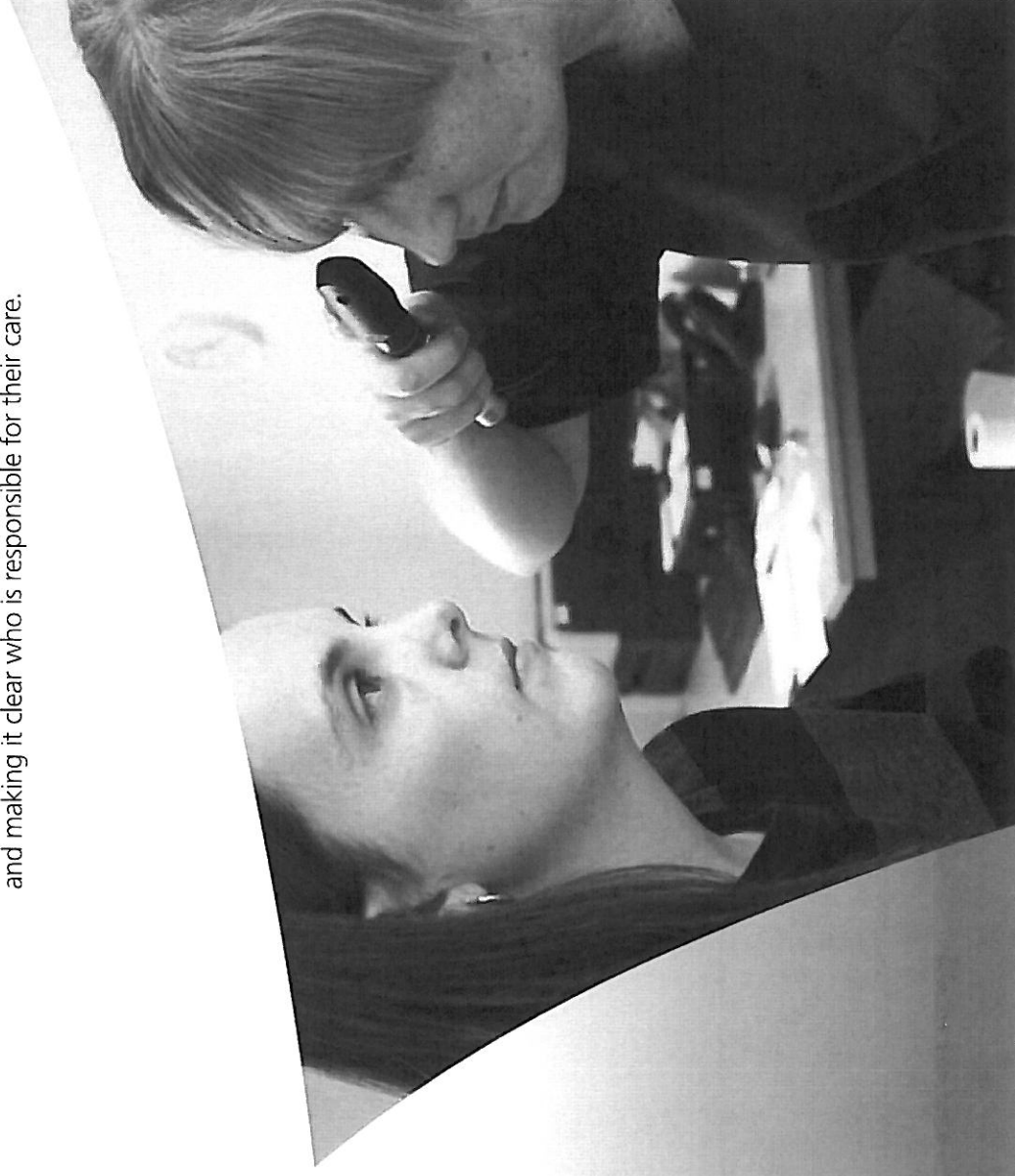
Other expectations of staff

The Constitution also includes expectations that reflect how staff should play their part in ensuring the success of the NHS and delivering high-quality care.

You should aim to:

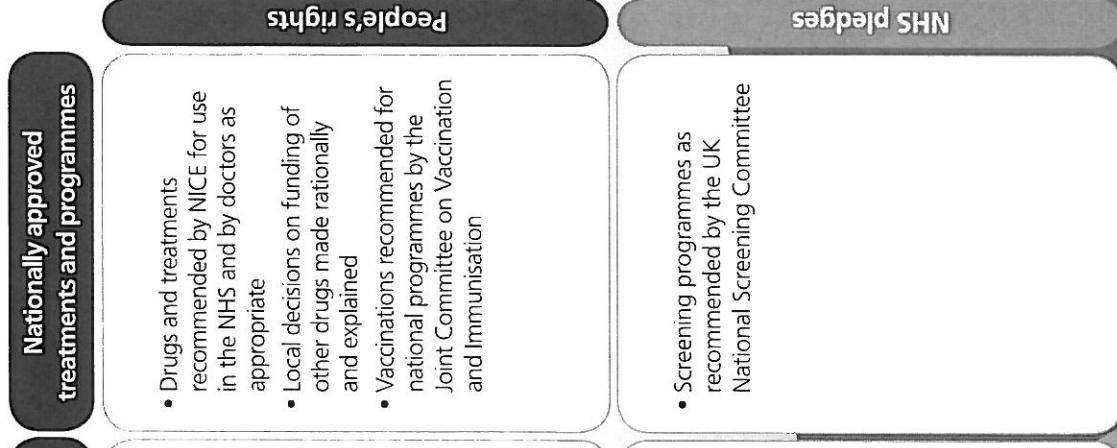
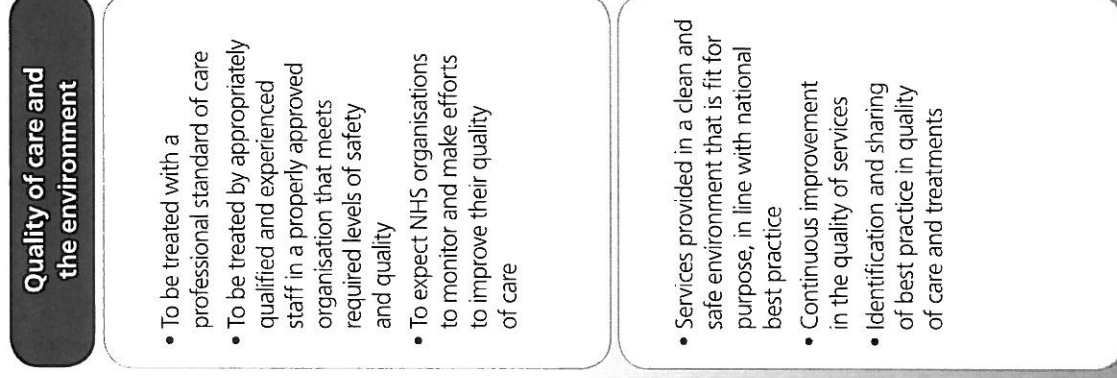
- **maintain the highest standards of care and service**, taking responsibility not only for the care you personally provide, but also for your wider contribution to the aims of your team and the NHS as a whole;
- **take up training and development opportunities** provided over and above those legally required for your post;
- **play your part in sustainably improving services** by working in partnership with patients, the public and communities;
- **be open with patients**, their families, carers or representatives (including if anything goes wrong);
- **contribute to a climate where the truth can be heard** and the reporting of, and learning from, errors is encouraged;

- **welcome feedback and address concerns** promptly and in a spirit of co-operation; and
- **view the services you provide from a patient standpoint**, involving patients, their families and their carers in services and working with them, their communities and other organisations, and making it clear who is responsible for their care.



Patients' rights and NHS pledges

Patients and members of the public have legal rights that staff should be aware of. These rights are summarised in the NHS Constitution and explained in more detail in the accompanying handbook, which also sets out what patients should do if they think a legal requirement hasn't been met. The following information summarises the six areas of patient and public rights, and sets out how the NHS pledges go beyond the legal minimum in each of those areas.



Respect, consent and confidentiality

- To be treated with dignity and respect
- Accept or refuse treatment or physical examination
- You can expect to be given information about recommended treatment, risks and alternative treatment available
- You can expect the NHS to keep your confidential information safe and secure
- You can access your own health records which will be used to manage your treatment

Informed choice

- Choice of GP practice
- To be accepted by that practice, unless there are reasonable grounds for refusal
- To be informed of any reason for refusal
- To express a preference for a doctor within a practice and for the practice to try to comply
- To make choices about their care – options will change over time
- Information to help them make choices about care

- To share with you any letters sent between clinicians about your care

NHS pledges

- To inform patients about healthcare services available to them nationally and locally
- To provide easily accessible, reliable and relevant information to help people make choices, including information on the quality of clinical services, where robust information is available

Involvement in healthcare and the NHS

- Involvement in discussions and decisions about their healthcare
- Information to help them to be involved in discussions and decisions
- Involvement (directly or through representatives) in planning healthcare services
- Involvement in proposals for changes to services and the way services are operated

- Provision of convenient and easy access
- Clear and transparent decision-making
- Smooth transition between NHS services

Complaint and redress

- Complaints to be dealt with efficiently and properly investigated
- To know the outcome of complaints
- To go to the Health Service Ombudsman, if they are not happy with the way their complaint is handled
- A claim for judicial review, if they think they have been directly affected by an unlawful NHS decision or action
- Compensation, where they have been harmed by negligent treatment

- To treat patients and the public with courtesy
- To provide appropriate support throughout the handling of a complaint
- Not to allow a complaint to adversely affect future treatment
- To acknowledge mistakes when they happen, to apologise, explain what went wrong and to put things right quickly and effectively
- To learn from complaints and claims, and to use lessons to improve NHS services

People's rights

People's rights

Patients' and public responsibilities

There are things that patients and the public can do to help the NHS work more effectively and to ensure that resources are used responsibly.

- **People should recognise that they can make a significant contribution to their own health and well-being**, and that of their family, and take some personal responsibility for it.
- **Patients should treat NHS staff and other patients with respect** and recognise that causing a nuisance or disturbance on NHS premises could result in prosecution.
- **They should register with a GP practice** – the main point of access to NHS care.
- **They should provide accurate information** about their health, condition and status.
- **Patients must keep appointments**, or cancel within reasonable time. Receiving treatment within the maximum waiting times may be compromised unless they do.

- **Patients should follow the course of treatment** they have agreed, and talk to their clinician if they find this difficult. We waste resources we waste others' opportunities. We recognise that we all have a part to play in making ourselves and our communities healthier.
- **People should ensure that those closest to them know their wishes about organ donation.**
- **They should participate in important public health programmes**, such as vaccination.
- **Patients should give feedback** – both positive and negative – about the treatment they have received, including any adverse reactions they may have had.

3. What's next?

The future of the NHS Constitution lies in the hands of NHS staff, patients and the public. It will make a difference only if staff and patients embrace and live it. Achieving this will require leadership, partnership and sustained commitment from everyone working across the service. Over the months and years to come we all need to play our part in raising awareness of the NHS Constitution and its value, and weaving it into the way the NHS works.

You need to understand what the NHS Constitution means to you as a member of staff. But it is equally important that you are able to answer any questions that patients might have about their rights, responsibilities and the pledges that the NHS Constitution commits your organisation to delivering.

Please take the time to read the NHS Constitution and keep this guide as a reference. You can download digital versions of:

- *The NHS Constitution*;
- *The Statement of NHS Accountability*;
- *The Handbook to the NHS Constitution*; and
- this staff guide.

Visit www.dh.gov.uk/nhsconstitution

You can also order print copies of any of these publications:

Online: www.orderline.dh.gov.uk

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