

The NHS Constitution – Policy Statement

Introduction

Scarborough & Ryedale Clinical Commissioning Group (the CCG) is committed to promoting the NHS Constitution and to achieving the principles, values, rights, pledges and responsibilities outlined. The CCG also acknowledges it is required by law to take account of the NHS Constitution when making decisions and taking actions.

Relevance to the CCG's Constitution

Included in the Constitution of the Scarborough & Ryedale Clinical Commissioning Group are requirements to:

*'...at all times (to) observe "such generally accepted principles of good governance as are relevant to it in the way it conducts its business. These include:
.....the seven key principles of the NHS Constitution' (4.4.1(d)).*

*'Promote awareness of, and act with a view to securing health services are provided in a way that promotes awareness of, and have regard to, the NHS Constitution by:
.....ensuring that the Governing Body adopts and keeps under review a policy with respect to the NHS Constitution'(5.2.2(b))*

'At all times having regard to the principles contained in the NHS Constitution and any other relevant guidance or Directions issued by the Secretary of State or the NHS Commissioning Board' (now NHS England). (5.2.8(b)).

The NHS Constitution was revised by the Department of Health and published in March 2013. The new version incorporates some changes based on the recommendations made in the Francis Report. The key principles remain the same, however some of the detailed text under each principle has been amended.

The Constitution is renewed every 10 years and the accompanying Handbook to the Constitution at least every 3 years.

The CCG feels that a policy on the NHS Constitution is not required but has produced this policy statement to include a brief summary of the contents of the NHS Constitution. The full NHS Constitution and the accompanying detailed Handbook to the Constitution are available at:

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.asp>

Responsibilities

Members, committee and sub-committee members, lay members and all staff are expected to become familiar with the contents of the NHS Constitution and adhere to the principles,

values, rights, pledges and responsibilities therein and to keep abreast of any changes to the NHS Constitution.

Summary of the Principles, Values, Rights, Pledges, Responsibilities and Legal Duties

The NHS Constitution establishes the principles and values of the NHS in England and sets out rights for patients, the public and staff. It outlines NHS commitments to patients and staff and the responsibilities that the public, patients and staff owe to one another to ensure that the NHS operates fairly and effectively.

There are **Seven Key Principles** that guide the NHS:

- 1 The NHS provides a comprehensive service, available to all irrespective of status.
- 2 Access to NHS services is based on clinical need, not an individual's ability to pay.
- 3 The NHS aspires to the highest standards of excellence and professionalism.
- 4 The NHS aspires to put patients at the heart of everything it does.
- 5 The NHS works across organisational boundaries and in partnership with other 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, fair and sustainable use of finite resources.
- 7 The NHS is accountable to the public, communities and patients that it serves.

The Principles are underpinned by six core NHS **Values**:

- 1 Working together for patients.
- 2 Respect and dignity.
- 3 Commitment to quality of care.
- 4 Compassion.
- 5 Improving lives.
- 6 Everyone counts.

There are a number of (*legal*) **Rights** and NHS **Pledges** for Patients and the Public relating to:

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

There are a number of **Responsibilities** for Patients and the Public:

- Taking personal responsibility for own and family's good health and wellbeing.
- Registering with a GP practice.
- Treating NHS staff and other patients with respect and dignity.
- Providing accurate information.
- Keeping appointments or cancelling within reasonable time.
- Following the prescribed course of treatment.
- Participating in public health programmes eg vaccination.
- Ensuring those closest to you know your wishes about organ donation.
- Giving feedback, both positive and negative.

Staff have extensive legal **rights** embodied in general employment and discrimination law which are summarised in the Handbook to the NHS Constitution. In addition there are a number of **pledges** (*commitments*)

- To provide a positive working environment and promote supportive, open cultures.
- To provide clear roles and responsibilities.
- To provide all staff with personal development, access to appropriate education and training and line management to fulfil potential.
- To provide support and opportunities for staff to maintain their health, wellbeing and safety.
- To engage staff in decisions that affect them and the services they provide.
- To have a process for staff to raise an internal grievance.
- To encourage and support all staff in raising concerns.

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

Legal duties:

- Accept professional accountability and maintain standards of professional practice as set by the appropriate regulatory body.
- Take reasonable care of health and safety at work for yourself and colleagues and co-operate with the employer to ensure compliance with requirements.
- Act in accordance with the express and implied terms of employment contract.
- Not to discriminate against patients or staff and adhere to legislation.
- To protect confidentiality of personal information held.
- To be honest in applying for a job and in carrying out that job.

There are also **expectations** on staff:

- Maintain the highest standards of care and service.
- Take up training and development opportunities.
- Play a part in sustainably improving services by working in partnership.
- Raise genuine concerns about risks, malpractice or wrongdoing.
- Involve patient, their families, carers or representatives in decisions about care and treatment.
- Be open with patients, their families, carers or representatives.
- Contribute to a climate in which learning from errors is encouraged.
- View the services provided from the standpoint of patients, their families and carers.
- Take every appropriate opportunity to encourage and support patients and colleagues to improve their health and wellbeing.
- Contribute towards providing fair and equitable services for all.
- Inform patients about the use of their confidential information.
- Provide secure access to patients' information to other relevant professionals where there is a legal and appropriate basis to do so.

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