



LDAN Briefing on the NHS Constitution

Background

Lord Darzi's review of the NHS - High Quality Care for All - made the case for an NHS Constitution that would enshrine the principles and values of the NHS, the rights and responsibility of patients and what the public can expect of the health service. On 21 January, the Government launched a constitution for the NHS in England. It was signed by Prime Minister Gordon Brown, Health Secretary Alan Johnson and NHS Chief Executive David Nicholson, who hailed it as 'the first of its kind in the world'.

The constitution will be renewed every 10 years, with the involvement of the public, patients and staff. It sets out

- the principles and values of the NHS in England
- rights to which patients, public and staff are entitled
- pledges which the NHS is committed to achieving
- responsibilities which the public, patients and staff owe to one another.

It is accompanied by the Handbook to the NHS Constitution, to be renewed at least every 3 years. The rights that are recognised in the Constitution include:

- A right to make choices about your care and to information to help exercise that choice
- A right making explicit your entitlement to drugs and treatments that have been recommended by NICE for use in the NHS, if your doctor says they are clinically appropriate for you
- A right to expect local decisions on fundings of other drugs and treatments to be made rationally following a proper consideration of the evidence
- Clear and comprehensive rights to complaint and redress.

David Nicholson, NHS Chief Executive, explained that the Constitution 'pulls together in one place what the patients who use the NHS, the public who fund it and the staff who provide it, can expect to receive from the NHS, and the contribution they can make themselves'. The Constitution not only applies to all NHS bodies, but also to private and third sector providers of NHS services, who will be required by law to take it into account. A member of the NHS Constitution team explained at a DrugScope event in March that 'anyone in England providing NHS care will have to adhere to the NHS Constitution. Wherever the NHS pound is being spent, there will be a responsibility to have regard to it.' The vast majority of people treated for drug and alcohol problems are treated either within the NHS or in services partly funded by the NHS.

What are the implications for drug and alcohol services?

The NHS Constitution could be a powerful tool for improving the experiences of drug treatment service users and of staff delivering drug services - as well as access of people with experience of drug problems to other NHS services:

- Many people first access drug services through their GP
- The vast majority of people treated for drug problems are treated within the NHS or by third sector or private providers of NHS services
- People with drug problems often need help with other health problems, but may have problems accessing NHS services
- Some people in NHS services also have drug problems that may be a contributory factor in their primary diagnosis (for example, some people in secondary mental health services).

Specific principles and entitlements of relevance to drug policy include:

Principles

- 'NHS services must reflect the needs and preferences of patients, their families and carers. Patients, with their families and carers where appropriate, will be involved in and consulted on all decisions about their care and treatment' (p. 3).
- '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 treatment of individuals and the detailed organisation of services are rightly taken by the local NHS and by patients with their clinicians' (p. 4).

Rights of health service users

- You have the right to access NHS services. You will not be refused access on unreasonable grounds.
- You have the right not to be unlawfully discriminated against in the provision of NHS services including on grounds of gender, race, religion or belief, sexual orientation, disability (including learning disability or mental illness) or age.
- You have the right to drugs and treatments that have been recommended by NICE 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.
- You have the right to be treated with dignity and respect, in accordance with your human rights.
- 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 of doing nothing.
- You have the right to privacy and confidentiality.
- You have the right to make choices about your NHS care and to information to support these choices.
- 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 and development of healthcare services.

Responsibilities of health service users

- Taking some personal responsibility for your own health.
- Register with a GP practice.

- Treat NHS staff and other patients with respect.
- Provide accurate information about your health, condition and status.
- Keep appointments, or cancel within a reasonable time.
- Follow the course of treatment which you have agreed, and talk to your clinician if you find this difficult.

Commitments for staff

- To provide all staff with clear roles and responsibilities and rewarding jobs (pledge).
- To provide all staff with personal development, access to appropriate training and line management support to succeed (pledge).
- To engage staff in decisions that affect them and the services they provide.

More information

The NHS Constitution along with a range of related materials is on the Department of Health website at <http://www.dh.gov.uk/en/Healthcare/NHSConstitution/index.htm>

Contact

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