

## **The NHS Constitution Trust preparedness – October 2009**

The NHS Constitution was published in January of this year, but the Health Bill, which contains the provisions for the Constitution, is due to receive royal assent this Autumn. The Chair of NHS London has written to all Trusts in September asking that awareness is raised about the Constitution both internally and with our local population.

The Board are asked to demonstrate clearly their commitment to the NHS Constitution.

The letter asks for a report on preparedness to go to Trust's October Board, with future regular review and report on progress of implementation. The report is to contain:-

- Discussion on legal rights laid out in Constitution; risks to compliance and mitigation strategy
- Communications plan in place to ensure staff and stakeholders are briefed on content and best practice encouraged and shared
- Process for nominating an NHS Constitution Champion, who is empowered by the Board to lead on embedding the Constitution locally
- How Board will ensure that members are aware that patients and the public have important legal rights and NHS pledges to patients and the public. Board members should be fully conversant with these in their roles.

Trusts are asked to ensure that staff and public are engaged; that there is local publicity and that it is built into induction and that line managers continue to engage staff in this area.

Progress on implementation will be built into NHS Chairs appraisal process.

This paper contains a summary of the NHS Constitution and a proposed communications plan.

### **A summary of the NHS Constitution**

The constitution and all associated documents are available at [www.dh.gov.uk/en/NHSConstitution/index.htm](http://www.dh.gov.uk/en/NHSConstitution/index.htm)

The constitution is made up of two parts, 'Patients and the public' and 'Staff'.

#### **1. Patients and the public**

The rights and pledges that the NHS should deliver to patients and the public are grouped in seven themes. These are:

- i. Access**  
The right to receive free (in most cases) equitable, timely access to treatment, and to expect your local NHS to meet the needs of the local community
- ii. Quality of care and environment**  
The right to receive a professional standard of care, in a clean and fit for purpose environment, and for organisations to monitor and try to improve the standards of care that they provide, and to identify and share best practice with each other.
- iii. Nationally approved treatments and drug programmes**  
The right to receive drugs and treatments recommended by NICE if deemed clinically appropriate, and to receive vaccination provided through national programmes.
- iv. Respect consent and confidentiality**  
Patients should be treated with dignity and respect, expect privacy and confidentially and be given information. This included sharing any letters that are sent between clinicians.
- v. Informed choice**  
Make sure patients have a choice as to where they are treated.
- vi. Involvement in your healthcare and in the NHS**  
The right to be informed and have a say one's own healthcare, but also to be involved in the planning of healthcare services. The constitution states that NHS organisation should work in partnership with patients, carers and the public, as well as with Local Authorities.
- vii. Complaint and redress**  
The right to complain, and have that complained dealt with efficiently and be informed about the outcome. NHS organisations should commit to admitting to mistakes where they occur, explain what went wrong and put things right quickly and effectively.

## **2. Staff**

The principles in the section come from the research in 'What matters to staff', upon which the NHS staff survey is also based. The Trust, therefore, can use the constitution alongside the staff survey to provide a framework for improvement at both an organisation and personal level.

There are four main these to delivering the constitution:

- Having the resources to deliver quality care
- Having the support necessary to do a good job
- Feeling that their job is worthwhile with chances to develop
- The opportunity to improve the way they work

## **Staff rights**

- Ability to work flexibly in a manner consistent with the way that people lead their lives
- Have a healthy and safe working environment, free from harassment, bullying or violence
- Be represented in the workplace
- Fair pay and contract framework
- Be treated fairly and equally and be free from discrimination
- The right to raise a grievance where rights have not been upheld

## **Staff pledges**

- Ensuring staff have clear roles and responsibilities
- Access to training, personal development and line management
- Support to maintain health and well-being
- Engage staff in decisions that affect them

## **3. Delivery of the clauses of the constitution**

A Constitution Handbook was published alongside the constitution to act as a how to guide for NHS organisations to ensure that they uphold/deliver the clauses of this constitution.

The main areas relevant to the Whittington are outlined below:

To comply with the patient and public clauses of the constitution:

- Timely access to services (according to national targets)
- Transparent decision making processes
- Constant monitoring and improving of quality of care
- Patients being well informed about their treatments
- Public and patient involvement in service planning
- Integrated, smooth transitions between services
- High quality, fit for purpose patient environments
- Effective processes for dealing with complaints

To comply with all the staff clauses of constitution:

- Partnership working with trade unions and professional organisation
- Achievement of 'Improving working lives' standards
- Appraisal, development review and training in line with the KSF for all staff
- Job descriptions in line with Agenda for Change evaluation processes

- All staff can join the NHS pension scheme, and for contractors, upholding the Code of Practice on Workforce Matters in Public Sector Contracts'
- Protect employees from harm for report wrong-doing in the workplace by upholding the Public Interest Disclosure Act
- A written policy for dealing with grievances or disciplinary issues
- A clear policy on equality and diversity

#### 4. Executive team responsibility for the different clauses

<b>Mechanism for upholding the constitution</b>	<b>Responsible lead ED</b>
<b>Patient/public rights and pledges</b>	
Timely access to services	Director of Operations
Transparent decision making processes	CEO
Monitoring and improving quality of care	Director of Nursing & Clinical Development; Medical Director
Patients being well informed about their treatments	Director of Primary Care
Public and patient involvement	Director of Primary Care
Integrated, smooth transitions between services	Director of Operations
High quality patient environments	Director of Facilities
Effective processes for dealing with complaints	Director of Nursing & Clinical Development
<b>Staff rights and pledges</b>	
All	Director of Human Resources

#### 5. Communications and Engagement Plan

Internal objective; to engage and inform staff of their rights under the NHS Constitution and inform them of their responsibilities to the public, their patients and colleagues in delivering the pledges of the NHS Constitution.

External objective: to inform the public of the Whittington's commitment to the NHS Constitution. To engage and inform them of their rights under the NHS Constitution and inform them of their responsibilities to supporting the NHS through the NHS Constitution.

Media: to inform the media of the Whittington's commitments to the NHS Constitution and its delivery

<b>Communication objective</b>	<b>Audience</b>	<b>Strategy and plan</b>	<b>Communication tool</b>	<b>Timing</b>
To engage and inform staff of their right under the NHS Constitution	Staff	Feature in Link and regular updates. Ensure all staff are aware of NHS Constitution and its implications for themselves and their patients	The Link	October 2009 - completed
To engage and inform staff of their responsibilities to the public, their patients and colleagues in delivering the pledges of the NHS Constitution		Develop dedicated page on the staff intranet with information about the NHS Constitution	Intranet	November 2009
		Provide reminders on payslips	Payslips	Early 2010
		Put on Chief Executive's briefing	Briefing	8 October 2009 - completed
		Chairman's forum/blog	Intranet	December 2009
		HR to provide information at induction and ensure every staff receives a copy of the constitution.	Induction	October 2009
To inform the public of the Whittington's commitment to the NHS Constitution	Public Stakeholders Partners	Declare the Whittington's commitment to the Constitution through the local media	Press statement	October 2009

		Makes the NHS Constitution available to the public via the website	Internet	October 2009 Completed
		Provide communication materials in PALs office and on main reception	Leaflets	November 2009  awaiting national publication
		Poster display in the hospital	Poster	October 2009
		To incorporate into patient focus groups being held from the autumn	Focus Groups	Nov/Dec/Jan
To inform the media of the Whittington's commitment to the NHS Constitution	Media	Provide a press release for the local media detailing the Trust's commitment to the NHS Constitution detailing the benefits for patients and the responsibility they also need to take	Press release	November after Board meeting

This communications plan will help ensure that the NHS Constitution is something that will be valued across the organisation, and is also understood and 'brought alive' locally by staff within the organisation, and by our local population.

### **NHS Champion**

After discussion at the Executive Committee it was agreed to ask the lead governor if there may be a governor who would be interested in being the champion alongside an Executive Director. The Director of Primary Care is proposed because of the link with this and our patient and public involvement agenda, alongside the communications element.

In summary the key elements of this paper in terms of reiterating the rights and responsibilities from the NHS Constitution: identified responsibilities for Executive Directors across the organisation to embed the principles of the Constitution; the proposed communications plan, and NHS Champions will ensure that the Board is confident and able to demonstrate commitment to the NHS Constitution, and is confident of our preparedness for this agenda. The risks are incorporated into the Trust risk register.

It is proposed to bring a six monthly review to the Board.