

Update on the NHS Constitution

1. Introduction

The NHS Constitution was first introduced in January 2009 following a signed commitment by the then Secretary of State for Health Alan Johnson and Sir David Nicholson CBE to the rights and pledges which would be enshrined in a constitution and made into law.

The NHS Constitution established principles and values of the NHS in England together with setting out the rights to which patients, public and staff are entitled together with pledges to which the NHS is committed. It also covered responsibilities which the public, patients and staff owe to one another to enable the NHS to operate fairly and effectively. The aim of the constitution is to protect and renew the enduring principles of the NHS. A report to the Board on its introduction was given in February 2009.

This paper updates the progress made since the launch of the constitution and gives assurance to the Board of Directors that the Trust remains compliant with the key principles, values and pledges. This is one of the requirements for continued compliance with Monitor regulation which the Board of Directors is asked to confirm on a quarterly basis. Finally there are a small number of proposed changes to the constitution and these are highlighted as part of the overall report.

2. Background

The NHS Constitution contains 37 rights and pledges to patients and the public and mainly relates to:

- Access
- Quality approved treatments
- Respect
- Informed choice
- Involvement in healthcare
- Complaint and redress

These issues were drafted following extensive consultation with the public during 2008 and were then supplemented with a constitution hand book which was published in March 2010. For

patients there was a dual responsibility as for the first time they were formally asked to play a part in their own health and wellbeing.

For staff there are 10 rights and pledges with a further 11 duties and responsibilities which are required from all staff working within the NHS the staff rights include:

- Safe working conditions free from harassment, bullying or violence
- Right to a well designed and rewarding job
- Support to keep healthy and safe

There are also a number of responsibilities which include:

- accept professional accountability
- maintain the standards of professional practice
- protecting confidentiality of personal data
- honest and truthful in applying for jobs
- importance of playing a part in improving services for patients, the public and communities

The NHS Constitution has been supported by a hand book for all NHS organisations which gave guidance and good practice ideas. The legal enforcement of the constitution will be through the NHS Reform Act. This legislation, not yet tested in the courts, does allow patients the right, for example, to be treated within 18 weeks of referral by their GP.

3. Progress on full implementation of constitution values

Set out below are the six values enshrined in the constitution and which underpin the ethos of the NHS. The table indicates where the Stockport wheel captures these values as well as some recent examples which support the work in each domain.

NHS Constitution Values	Stockport Wheel Reference	Current Work
1. Respect and Dignity	Treat people with dignity and respect	<ul style="list-style-type: none"> - Focus groups in 2010/11 with c400 staff to refresh posters and reaffirm standards - Launch of “Daisy” accreditation system with dignity and respect standards for patients in primary, secondary and care home settings
2. Commitment to the quality of care	We are known for our quality	<ul style="list-style-type: none"> - Maintain clinical standards eg 18 weeks, 4 hours, cancer - Quality strategy and ambitious goals for improvement in infection prevention, safety and quality - Mandatory training improvement in compliance for all staff groups - Awards for T&G Community and falls prevention - Assurance provided via recent CQC and NHSLA visits
3. Compassion	The staff care	<ul style="list-style-type: none"> - Specific workshops for all HCAs during summer 2011 which incorporated dignity and respect standards, nutrition, falls prevention, infection prevention - New ward based “champions” for all dignity and respect standards - Specific initiatives on care of the dying - Patient feedback improved via new touch screen pads administered by volunteers and governors

4. Improving working lives	We promote healthy lifestyles	<ul style="list-style-type: none"> - Health and Wellbeing strategy for staff launched September 2010 and reviewed in September 2011 indicating improvements across several indicators - Health promoting hospital status via conference in 2010 and continued work with patients in hospital on smoking, weight management and lifestyle changes - Collaboration with community education and local government services to improve welfare and safeguarding issues for children and young people
5. Working together for patients	No one tries harder for patients	<ul style="list-style-type: none"> - Patient feedback sessions for conditions such as dementia, prostate and stroke - Patient stories and learning used in clinical effectiveness meetings - Patient experience strategy – new ward indicators launched in 2012
6. Everyone counts	Every patient matters	<ul style="list-style-type: none"> - Review of Stockport wheel to refresh standards/values and make more concise - Regular review of complaints, identifying trends and themes for action plans - Improvement targets for annual staff appraisals and personal development plans

4. Changes to constitution 2012

Following concerns that staff may in the past have been unwilling or lacking in confidence to report concerns, a new pledge on behalf of NHS organisations will be introduced in 2012 to support staff who wish to raise concerns. This is not a new right but clarifies existing pledges to staff and would involve amending one section using the following suggested wording.

“To support all staff raising concerns at the earliest reasonable opportunity about safety, malpractice or wrong doing at work. Responding to and where necessary investigating the concerns raised and acting consistently with the public interest disclosure act 1998”

The NHS is being encouraged generally to take action to promote policies which support staff raising concerns and create a culture built on openness and accountability where staff are empowered to speak out where they have concerns. It is important that there should be no reprisal against staff raising genuine concerns even if this has resulted from a misunderstanding. The handbook for the constitution will also emphasise that NHS bodies have a role in building trust and confidence across the NHS and a responsible attitude to supporting staff who raise concerns helps each organisation to promote a healthy workplace culture.

In order to address this new addition to the constitution the current “whistle blowing policy” has been redrafted in partnership with the staff side and best practice from NHS employers. The current draft policy which will be re-titled Raising Concerns at Work is due for consultation and discussion with the staff side in advance of a launch in March 2012. A key element will be to ensure the involvement and understanding of staff in deploying this new policy. The HR department will run a series of workshops and awareness raising sessions to give further understanding of the main principles of the policy and how staff can get involved. In addition we shall be able to monitor and track where staff are raising concerns and how these are handled specifically through the NHS staff survey. Attached as appendix A are some current indicators which will continue to be measured and monitored.

5. Conclusion

The NHS Constitution has been implemented across the Trust over the last two years. The new change incorporating the rights and responsibilities relating to staff who wish to raise concerns about safety and malpractice or other wrong doing will now be incorporated into this work and the Trust Board will be updated in terms of progress at the end of 2012.

The Trust Board is asked to note this report, proposed changes to be made to the NHS Constitution and the work already undertaken to support the values.

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Appendix 1

Raising Concerns at Work – Staff Survey KPIs

Questions	2009 %	2010 %	2011 %
Raising concerns at work			
If you were concerned about fraud, malpractice or wrongdoing, would you know how to report it?	Not asked in 2009	86	87
Would you feel safe raising your concern?		73	72
Would you feel confident that your Trust would address your concern?		57	54
Errors, Near Misses and Incidents			
In the last month have you seen any errors, near misses or incidents that could have hurt staff?	24	23	20
The last time you saw an error, near miss or incident that could have hurt staff did you or a colleague report it?	87	90	88
In the last month have you seen any errors, near misses or incidents that could have hurt patients/service users?	31	29	30
The last time you saw an error, near miss or incident that could have hurt patients/service users did you or a colleague report it?	94	92	93

Questions	2009 %	2010 %	2011 %
My Trust treats staff who are involved in an error, near miss or incident fairly	43	45	44
My Trust encourages us to report, errors, near misses or incidents	84	87	85
My Trust treats reports of errors, near misses or incidents confidentially	64	64	57
My Trust blames or punishes people who are involved in errors, near misses or incidents	8	11	12
When errors, near misses or incidents are reported my Trust takes action to ensure that they do not happen again	62	63	57
We are informed about errors, near misses and incidents that happen in the Trust	49	49	45
We are given feedback about changes made in response to reported errors, near misses and incidents	46	47	46

Source: Quality Health Core results 2010/2011