

Expert Advisory Group on the NHS Constitution

**Minutes of the meeting held on Wednesday 15 October 2013,
Richmond House, 79 Whitehall, London, SW1A 2NS**

Member attendees

Norman Lamb, Minister of State for Care and Support (Chair)
Brenda Hennessy
Deborah Oliver (Deputising for Dame Julie Mellor)
Hamish Meldrum
Howard Catton
Jenny Harries
Jason Stamp
Jeremy Taylor
Steve Field
Sally Brearley
Stephen Thornton
Vicky Bailey
Vin Diwaker
Vivienne McVey
Katherine Rake (Deputising for Anna Bradley)

Department of Health, NHS Constitution

Caron Connolly
Peter Howitt
Meenara Islam
Helen McKenna
Stephen Robinson
Kylie Stephen

Department of Health, Communications

Rachel Downey

NHS England

Elliott Ward
Hannah Robinson
Neil Churchill
Keith Holden
Paul McSherry

I. Welcome and Introductions

1. Peter Howitt, chairing the meeting, welcomed members and thanked them for their attendance and contributions since the previous meeting.

II. Expert group discussion on recommendations paper - facilitated by Jeremy Taylor

2. There was collective agreement among members that they had fulfilled their role and that the time is now right for the Group to wind down. The Group is currently developing a short paper setting out recommendations on how to strengthen the NHS Constitution. This paper will form the Group's final advice to the Minister and Department of Health.
3. Members discussed the current draft of their recommendations paper and agreed further alterations. It was also agreed that final sign-off of the paper would be obtained over email.

III. Future Accountability and ownership of the NHS Constitution

4. It was suggested that while the Department of Health should use formal accountability mechanisms (for example, the Mandate to NHS England) to hold individual organisations to account for their responsibilities in relation to the NHS Constitution, it should complement these with some of the softer levers it has available to it for achieving its objectives.
5. Members noted Healthwatch England's recent annual report, which referred to development of a new consumer rights framework. Members agreed that it would be essential to ensure that this work was properly aligned with the NHS Constitution and that all public-facing materials make clear that the NHS Constitution is the official (and legal) set of rights for patients and the public when using health services, and that in contrast, Healthwatch England's consumer rights framework articulates the public's expectations of the health service rather than actual entitlements.
6. Katherine Rake, Chief Executive of Healthwatch England responded to members' questions about the relationship between the Constitution and the consumer rights framework. She reassured members that the

consumer rights are intended to be aspirational and cover both social care and health care, in contrast to the NHS Constitution.

7. Healthwatch England will work closely with the Department to ensure alignment and complementarity with the NHS Constitution.

IV. Discussion of recommendations with Minister of State for Care & Support, Norman Lamb

8. The Group presented an overview of their recommendations to the Minister and highlighted the link between giving the Constitution 'teeth' and raising awareness.
9. The Minister thanked members for their recommendations.

V. Francis position statements and discussion

10. Helen McKenna explained that the Government's response to the report of the Mid Staffordshire NHS Foundation Trust Public Inquiry was likely to be published in mid-November, and presented the draft responses to the recommendations relating to the NHS Constitution for comment.
11. Members were content with the draft responses to the specific recommendations discussed.
12. Members agreed that it would be important that any accompanying document to be published alongside the detailed responses to the recommendations emphasised the importance of the NHS Constitution in healthcare post-Francis.

VI. Publication arrangements

13. It was agreed that the Expert Group's recommendations paper will be published on the Department of Health's website as soon as possible after it is finalised.

Next steps and actions

14. The Expert Group will now:
 - update the paper to include additional 'bottom up' initiatives to give the Constitution greater impact for patients;
 - consider how they wish to publish/launch the paper

15. The Department of Health will:

- continue working closely with Healthwatch England to ensure that the consumer rights framework and the NHS Constitution are aligned; and
- work with NHS England and other key health bodies to develop a system-wide response to the Expert Group's recommendations report.