
Expert Advisory Group on the NHS Constitution

Minute of the meeting held on Wednesday 13 February 2013 Richmond House, 79 Whitehall, London, SW1A 2NS

Members attending

Norman Lamb, Minister of State for Care and Support (Chair)
Howard Catton
Vin Diwaker
Steve Field
Jennifer Harries
Peter Hay
Brenda Hennessy
Vivienne McVey
Dame Julie Mellor
Ash Soni
Jeremy Taylor

Department of Health, NHS Constitution

Peter Howitt
Stephen Robinson
James MacDougall
Meenara Islam
Kylie Stephen

Department of Health, Communications

Chris Bostock
Claire McGinley
Paul Williamson
Alison Hardy

NHS England

Keith Holden
Krishna Tailor

I. Welcome and Introductions

1. The Chair welcomed members to the second meeting of the Expert Advisory Group on the NHS Constitution. Apologies were received from Mss Jo Lenaghan, Vicki Bailey, Sally Brearley and Paula Vasco-Knight, Drs Hamish Meldrum, Charles Alessi, Jocelyn Cornwell and Katherine Rake, Mr Ciaran Devane, Mr Stephen Thornton, Mr Shaun Clee and Sir Keith Pearson.
2. The Chair set out the purpose of the meeting, which was to continue to develop proposals on giving the NHS Constitution greater impact and to discuss emerging findings from the Mid Staffordshire NHS Foundation Trust Public Inquiry and the impact of these on the NHS Constitution.

II. Update on the Constitution & responses

3. The Secretariat provided an updated overview of the main themes emerging from the consultation on the NHS Constitution and the development of the Government response. This was followed by a group discussion on content. Some key points emerging from that discussion were:
 - It was agreed that wording of the pledge around communication methods for patients needed further consideration.
 - The topic of patient records was discussed, including how patients access their records.
 - Group members agreed to retain the word 'empowered' rather than 'encouraged', as had been proposed, in the commitment around staff engagement.
 - The issue of measuring how often rights and pledges are invoked and showing transparently how different parts of the health system are using and performing against the Constitution, was discussed.

III. The Francis Report: Implications for the NHS Constitution

4. Paul Williamson of the Department's Public Inquiries Response team updated members on the key emerging themes of the Mid Staffordshire Public Inquiry's report:
 - a. Eight specific recommendations relating to the NHS Constitution, plus 22 additional relevant recommendations (for example about the duty of candour and complaints);
 - b. The importance of the NHS Constitution in setting system values;
 - c. Complaints processes and data – the Inquiry found that the system needs to be made easier to understand and that the risk of litigation should not hinder investigations;
 - d. A review of complaints led by Ann Clwyd MP and Trisha Hart will be undertaken, due to report back in October.

5. Members were then invited to discuss the implications of the report on the Constitution.
6. The Inquiry's recommendation that the Values section of the NHS Constitution be moved to the front of the document, alongside the Principles, was discussed and it was agreed that it should be accepted.
7. It was noted that from Spring 2013 onwards, the Parliamentary and Health Service Ombudsman would be undertaking substantially more case work, meaning that complainants will be able to self-refer to the Ombudsman if they do not feel comfortable complaining to their local provider.

IV. Group Discussion on increasing the impact of the NHS Constitution

8. Members were presented with a paper outlining options for giving the NHS Constitution greater impact. These options were discussed, and it was agreed that they would require further exploration at the next meeting.

V. Next Steps and AOB

9. Consideration was given to whether publication of the revised NHS Constitution should be postponed until later in the year, to allow for further reflection on the recommendations coming out of the Francis Inquiry. It was concluded that publication could not be postponed, as an up-to-date NHS Constitution would be required for 1 April 2013, when new bodies in the system are established.
10. Members agreed that consideration of whether to consult on options to increase the impact of the NHS Constitution should be delayed until after the Department has responded to the final report of the Mid Staffordshire NHS Foundation Trust Public Inquiry.