

Expert Advisory Group on the NHS Constitution

**Minute of the meeting held on Tuesday 9 July 2013
Richmond House, 79 Whitehall, London, SW1A 2NS**

Member attendees

Norman Lamb, Minister of State for Care and Support (Chair)
Charles Alessi
Christina McAnea
Deborah Oliver (Deputising for Dame Julie Mellor)
Howard Catton
Jenny Harries
Brenda Hennessy
Hamish Meldrum
Jason Stamp
Jeremy Taylor
Sally Brearley

Department of Health, NHS Constitution

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

Department of Health, Communications

Susannah Cannon

NHS England

Elliott Ward
Hannah Robinson
Keith Holden
Suzanne Heaney

Health Education England

Helen Jackson

I. Welcome and opening comments

1. The Minister welcomed members and thanked them for their attendance. Members introduced themselves to the Group, for the benefit of officials and deputies attending for the first time.

II. Future Work Programme and Expert Group Role - Peter Howitt, Deputy Director, NHS Constitution and Legislation

2. In terms of future work plan, Peter explained that the team's focus will be on developing further (and implementing) the impact options originally suggested by members of the Group (in their February meeting):
 - Exploring the role of Healthwatch England in promoting the NHS Constitution;
 - Developing metrics for some Constitution rights and pledges; Patient empowerment, whereby patients are enabled to access the rights they are entitled to, and are clear about how to seek redress when their rights are not met.
 - Complaints handling and the role of Patient Advice and Liaison Services (PALS);
 - Staff recognition; and
 - Embedding the NHS Constitution into recruitment and appraisal processes.
3. The aim of this work will be that patients should feel able to use the NHS Constitution to get better care. A workshop exploring this issue in more detail is planned for September/October (further details will be circulated shortly to those members of the Expert Group who are interested in attending).
4. Alongside the work on impact, Peter explained that the team is also currently trying to determine whether the NHS Constitution needs further updating in response to the additional recommendations made in the report of the Mid Staffordshire NHS Foundation Trust Public Inquiry. However, any updates to the Constitution itself would legally require full public consultation. It was highlighted that the NHS Constitution was only launched 3 years ago and that there have already been two sets of revisions (and associated public consultations).
5. Peter Howitt asked for members' opinions on further amendments to the NHS Constitution in light of the additional recommendations made in the report of the Mid-Staffordshire NHS Foundation Trust Public Inquiry.

6. Peter explained that he and Helen had been meeting members individually since the previous meeting to discuss the future work plan for the NHS Constitution and the role of the Expert Group.
7. The valuable contribution Expert Group members have made in developing and improving the Constitution was recognised. However, feedback from individual meetings with members suggested that the Expert Group had now fulfilled its role, and that it was now for national and local health bodies to proceed with promoting and embedding the NHS Constitution. On this basis, it was proposed that the work of the group be brought to a close in a managed way.
8. Peter proposed that to conclude its work, the Expert Group produce a paper setting out their final recommendations to the Department and other national bodies on embedding and increasing the impact of the Constitution. The final meeting of the Group would then be used to sign off the paper and conclude the work of the Expert Group.
9. Members agreed with this proposal, suggesting that the Department's energy should now be focused on impact to ensure the Constitution is properly embedded throughout the NHS system.
10. Jeremy Taylor volunteered to coordinate feedback from the Group for the paper. It was also agreed that DH would provide secretariat support to assist the development of the paper.
11. The Minister emphasised his continued commitment to the NHS Constitution, and his hope that members would individually continue to engage with the team on the NHS Constitution outside of the formal Expert Group setting.
12. **Action for the Expert Group:** The Group agreed to produce a short paper recommending the next steps for the NHS Constitution, with support from the NHS Constitution team, and with Jeremy Taylor coordinating the views of the Group. Jeremy and the team will be in touch shortly to seek content for the report. In the meantime, please feel free to email any ideas or suggestions you might have for the report to nhsconstitution@dh.gsi.gov.uk. A draft paper will be circulated with a letter for sign-off by members at the last meeting of the Group.

III. Embedding the NHS Constitution – Keith Holden (NHS England), Suzanne Heaney (NHS England), Helen Jackson (Health Education England)

13. NHS England has been making progress on embedding the NHS Constitution across the health system, promoting it to patients, public and NHS staff.

Keith and Suzanne gave examples of some of the work undertaken so far:

- NHS England's business plan 'Putting patients first' grounds everything it does in the values and principles of the NHS Constitution, with progress monitored through the balanced scorecard;
- The NHS Constitution runs throughout NHS England's communication strategy and is referenced in all the materials they produce. It is also being promoted extensively on its staff intranet and the various NHS bulletins for colleagues outside NHS England;
- The NHS Constitution is also woven into all programme events and conferences, as well as NHS England's induction programme (launch pad);
- For the recent NHS 65th birthday celebration, case studies were used which promoted the values and behaviours of the Constitution; and
- Consideration is being given to taking a social marketing approach to promoting the NHS Constitution.

14. Health Education England has been implementing similar initiatives:

- References to the NHS Constitution are displayed on its buildings and the badge forms part of Health Education England's logo;
- Health Education England is embedding the NHS Constitution through its levers. For example, by including it in the Mandate; and
- In addition, Health Education England is using its budget to improve values and behaviours in the workforce:
 - 30 Local Education and Training Boards are incorporating the NHS Constitution as part of managing performance contracts;
 - An NHS Constitution application is being developed for trainee doctors.

15. As part of their joint strategy, Health Education England, NHS England and Clinical Commissioning Groups have run a series of workshops to raise awareness of the NHS Constitution. The learning from these workshops will be used to inform development of a joint strategy for embedding the NHS Constitution in everything that the NHS does.

16. Members of the Group suggested it would be important to ensure engagement with providers, such as foundation trusts, as well as commissioning organisations, and ensure best practice studies are shared with them. There was also a question about how the strategy being developed would incorporate the 6Cs nursing strategy. It was agreed that NHS England would explore this issue.

IV. Comments by Sir Robert Francis on the Impact of the Mid Staffordshire Inquiry on the NHS Constitution

17. Sir Robert outlined his support of the NHS Constitution, but agreed that more needs to be done to ensure it is embedded across the system, so that it doesn't end up being just another policy document. He also suggested:

- That all staff should commit to the Constitution's values and principles;
- That staff should be required to 'put patients before themselves';
- That the values should be moved to the very start of the NHS Constitution (and the Handbook), ahead of the Principles;
- That the duty of candour should be upgraded from a commitment to a duty;
- That professional codes of conduct should be added to the Handbook;
- That consideration be given as to how to reference the CQC's fundamental standards in the NHS Constitution; and
- That an easy-read version of the NHS Constitution should be developed for the public.

18. The discussion was then opened up to members of the Expert Group, with discussion points including:

- Revisiting the 'complaints and right to redress' section – is the status of all these commitments right?;
- Feedback that patients are often concerned that if they raise a complaint their care will be affected;
- Patients should expect to raise their complaint only once and then it should be the organisation's responsibility to progress it to the appropriate place;
- The idea of an NHS Constitution day was supported, as well as the idea of awards/competitions to encourage and celebrate examples of best practice ;
- The risk of the NHS Constitution becoming a lawyers' charter;
- A need to bring all standards and values together in one place, as currently they are very disparate, available on different websites etc;
- The need for complaints services to acknowledge breaches of Constitution rights and link better to the NHS Constitution; and
- The need for an appropriate balance between accountability and a 'no-blame' culture.