



# The NHS Constitution

Centre for Mental Health is an independent mental health charity working to improve the lives of people facing or living with mental ill health. Our research and development work aims to improve the way people with mental health conditions are supported to build better lives on their own terms. Timely access to effective services is crucial in every area of mental health care and support. This note sets out the evidence we have available.

## What is it?

The NHS Constitution sets out what you can expect from the NHS as a patient and as a staff member. It is divided into your rights and pledges. Rights are what you are entitled to and are protected by law

whereas pledges are not legally binding, however the NHS is committed to achieving them supported by management and regulatory systems.

## What's the problem?

The NHS Constitution clarifies, for the first time, the treatment that a person can receive, regardless of their condition. However, it doesn't protect the rights of people with mental health problems. The two areas where people with mental health problems are let down are waiting times and treatments.

### Waiting times

There is currently a maximum 18-week wait for consultant-led treatment from referral for non-urgent conditions. There is a maximum two-week waiting time to be seen by a cancer specialist from GP referral for urgent referrals where cancer is suspected. The exception to this 18-week waiting time is non-medical consultant-led mental health services. Many patients experiencing mental health problems will be waiting for psychological therapy which is exempt from the 18-week limit.

### Treatment

*"You have the right to drugs and treatments that have been recommended by NICE for use in the NHS, if your doctor says they are clinically appropriate for you."*

The majority of patients experiencing mental health problems will receive medication but also psychological therapy. Medication undergoes a National Institute for Health and Care Excellence (NICE) technology appraisal and then is deemed to be approved by NICE and is available. Psychological therapies however do not undergo technology appraisal so are not covered by this right. Psychological therapies instead are mentioned in NICE Clinical guidance. This means that commissioners are not required to offer such service.

## What would Centre for Mental Health like to see?

The Centre would like to see appropriate and equivalent waiting times for mental health treatments be added to the Constitution as a right, as well as evidence-based research carried out on what the appropriate waiting times are for different services - no research has been done and it is needed. There is anecdotal evidence that people are waiting for as long as a year for secondary mental health services. The recommended 28-day waiting

time for the Improving Access to Psychological Therapies (IAPT) programme is also not being met. The Centre would like to see people who are offered IAPT to get it within 28 days. The Centre would also like to see NICE clinical guidance given the same weighting as NICE technology appraisals, meaning that regardless of where a person lives they will have the right to access these treatments.



“The NHS belongs to the people”

THE NHS CONSTITUTION, 26 MARCH 2013

## Principles

1. The NHS provides a comprehensive service, available to all irrespective of gender, race, disability, age, sexual orientation, religion, belief, gender reassignment, pregnancy and maternity or marital or civil partnership status.
2. Access to NHS services is based on clinical need, not an individual's ability to pay.
3. The NHS aspires to the highest standards of excellence and professionalism
4. The NHS aspires to put patients at the heart of everything it does.
5. The NHS works across organisational boundaries and in partnership with other organisations in the interest of patients, local communities and the wider population.
6. The NHS is committed to providing best value for taxpayers' money and the most effective, fair and sustainable use of finite resources.
7. The NHS is accountable to the public, communities and patients that it serves.

## FAQs

### • What is the aim of the Constitution?

The aim of the Constitution is to safeguard the enduring principles and values of the NHS. The Constitution also sets out clear expectations about the behaviours of both staff and patients. It is intended to empower the public, patients and staff by setting out existing legal rights and pledges in one place and in clear and simple language. By knowing and exercising their rights, the public, patients (their carers and families) and staff can help the NHS improve the care it provides.

### • Who must take account of the NHS Constitution?

The Secretary of State for Health; all NHS bodies, including, for example, your local clinical commissioning group, NHS trust and NHS foundation trust; all private and voluntary sector providers supplying NHS services for example GPs; and local authorities in the exercise of their public health functions.

### • To whom does the Constitution apply?

The rights and responsibilities in the Constitution generally apply to everyone who is entitled to receive NHS services and to NHS staff

### • Where does the Constitution apply?

The core principles of the NHS are shared across all parts of the United Kingdom. However, the NHS Constitution applies only to the NHS in England. The devolved administrations in Scotland, Wales and Northern Ireland are responsible for developing their own health policies

### • What legal underpinning does the Constitution have?

The NHS Constitution is enshrined in law by The Health Act 2009 and also by the Health and Social Care Act 2012. As it currently stand the Secretary of State for Health has a statutory duty to have regard to the NHS Constitution, and for NHS England and NHS commissioning groups to promote the NHS Constitution.

September 2013

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